

This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

Soc 11407.7



HARVARD
COLLEGE
LIBRARY









INTEMPERANCE AND CRIME.

LEAVES FROM THE DIARY OF AN OLD LAWYER

BY A. B. RICHMOND, ESQ.,
Member of the Pennsylvania Bar.

"Though I am old, yet I am strong and lusty:
For in my youth I never did apply
Hot and rebellious liquors in my blood."

—*Shakespeare.*

ILLUSTRATED.

MEADVILLE, PA.:
MEADVILLE PUBLISHING HOUSE, RICHMOND BLOCK.
1882.

Sar 7407.1
3

HARVARD COLLEGE LIBRARY
FROM THE HEIRS OF
GEORGE C. DEMPSEY

Entered according to the Act of Congress, in the year 1883, by
A. B. RICHMOND, ESQ.,
In the Office of the Librarian of Congress, at Washington, D. C.

J. B. SAVAGE,
Printer and Binder
CLEVELAND.

BHS
Gift of
The Heirs of

TO THE NOBLE WOMEN OF THE

"CRUSADE,"

TO WHOSE COURAGE, CHRISTIAN ZEAL, AND PHILANTHROPY

THE TEMPERANCE CAUSE OWES SO MUCH,

THIS LITTLE VOLUME

IS MOST RESPECTFULLY DEDICATED

BY THE AUTHOR.

PREFACE.

"Some books are to be tasted, others to be swallowed,
And some few are to be chewed and digested."

"No pleasure is comparable to the standing upon the vantage-ground of truth."—*Francis Bacon.*

"Some said 'John, print it;' others said, 'Not so.'
Some said, 'It might do good;' others said, 'No.'"
—*John Bunyan.*

A FEW months ago I attended a temperance meeting at Chautauqua Point. While seated in the auditorium, waiting for the lecturer, I heard an old gentleman, whom I knew to be a strictly temperate man and a good Christian, remark to a minister who sat by his side: "The temperance question is an old story, it is worn threadbare; nothing new can be said on it, and the people no longer take any interest in it." This remark set me to thinking, and I thought it ought not to be true. I thought that any story that had for its aim and object the advancement of the moral condition of mankind, and the physical well-being of the human race, never could and never ought to grow old. I remembered that the story of the awful tragedy that was enacted on Mount Calvary eighteen hundred years ago had not "grown old," and that although that story had been told by a pious ministry all over the world for nearly two thousand years, yet to the humble, penitent sinner at the foot of the altar it was as full of interest and as new to-day as it was to the people of Nazareth in the infancy of Christianity. I recollected that the civilization and enlightenment of the world were because that old, old story has been so often told; and that where it had been told the most frequently, there mankind was most prosperous and happy; and that to repeat that story to fallen man missionaries had been sent to the uttermost parts of the earth; from the northern land of perpetual winter to the sunlit isles of the summer seas, that "old story" had been listened to by countless millions of the human race, and that under its influence barbarism had given place to civilization, idolatry to the proper worship of the Creator, and the hope and faith of the Christian had robbed death of its terrors and the grave of its victory.

And yet that story had by oft-repeating tongues been "worn threadbare" for hundreds of years; not a fact or incident had been added to it that was not known to the humble shepherds of Judea and the fishermen of Galilee. Even the most learned and eloquent divine of to-day could not,

with all the power of logic or aid and embellishment of rhetoric, add a single charm to the simple narration—

"*For God so loved the world that he gave his only begotten Son, that whosoever believed on Him should not perish but have everlasting life.*"

And I thought that as temperance was the hand-maid of Christianity, and that as intemperance violated the precepts of religion and debased the morals of the people, the question never could grow old; that as long as "righteousness exalted a nation and sin was a reproach to a people," the question of temperance would ever be full of interest, and would become more and more important until the time came when no man would be permitted by law and license to put strong drink to his fellow's lips, and thereby tempt him to sin and crime.

Three years ago I was requested by the Women's Temperance Association of our country to write a lecture, giving my experience in the courts in cases where the crimes perpetrated resulted from intemperance. I hesitatingly complied with the request. I well knew that the subject of temperance was a hackneyed one, and that so much had been said, and so well said, by able and eloquent reformers, that it was a very difficult task to present any new thoughts or arguments against the license system and its results and effects on the people. For years I have been convinced that nearly all the crime committed in the country is caused by intemperance; that it costs more to punish those that have been made criminals by its influence than it does to support our common schools or sustain the religious teachers and churches in the land. Of this fact I was well satisfied; but I did not know how to present the subject to the people in such a manner as to attract their attention or convince them that this statement was true. Yet in answer to the request made of me I prepared a simple narration of events and incidents that had transpired in our criminal courts under my own observation. I called it a lecture, and delivered it before the temperance association of our city. It was so well received by the audience and so kindly spoken of by the press, that I was induced, in compliance to requests made to me, to repeat it in a number of other towns and cities. It still seemed to meet with public approval; and at the suggestion of a reverend friend of mine and of temperance reform, I concluded to treat the subject more in detail, yet in the same manner that I had treated it in my lecture, and present it to the public in the form of a book. This thought occurred to me the first of last August, and it is now late in December and the last chapter is written. Since the time I commenced to write it I have been engaged in the active practice of my profession, having been seven weeks in the courts. It will be seen, therefore, that I have had but little time to devote to the book, and for this reason I ask the indulgence of my readers, and that they forgive its many faults and imperfections. It has been my object as far as possible to present the subject in a manner somewhat new; to travel out of the beaten path of temperance lectures, and to convince my readers, if possible, that prohibition by law is the only means by which the traffic in alcohol can be abolished, and the country relieved of

the great curse of intemperance. I believe in the efficacy of the "kind words" of moral suasion as a great remedial agent. I acknowledge even the great force of the "tufts of grass" of public opinion. Yet, when the boy remains obdurate and will not come down from the tree, I have an abiding faith in the "virtue of stones."

If good reverend men could preach the license system out of existence, I would be very glad that they should do so. If the prayers of Christian men and women could extinguish the fires of the distilleries, or smolder the still-worm, I would be glad that it were so; but, admitting the truth stated in the fable of Æsop, that "the gods help those that help themselves," and that it was the shoulder of the teamster applied to the wheel of his cart that moved the load from out the mud of the highway, I believe that it will require the force of the whole people, *men* and *women*, applied at the ballot-box, to effectually blot out of existence the great curse to the country, "THE LAWS THAT LICENSE AND PERMIT THE SALE OF ALCOHOL AS A BEVERAGE." I deny the right of the Government to sell to one citizen the privilege to tempt another to commit crime. I doubt the policy of those laws that seek to raise a revenue by the sale of that which debases the people, is the prolific source of crime and pauperism, and costs the country annually a thousand times more than the revenue received therefrom. I deny the justice of those laws that on one page of the statute books legalize that which promotes crime and makes criminals, and on the next provide severe penalties to be administered to those they have tempted to transgress. This little volume is presented to the public to promulgate these views. They may be thought radical, and perhaps are so; but they are the result of long years of experience in our criminal courts, and are but a feeble expression of my abhorrence of the vice of intemperance and the laws that encourage and promote it.

"Tell me I hate the bowl—
Hate is a feeble word;
I loathe—abhor—my very soul
By strong disgust is stirred
Whene'er I see, or hear, or tell
Of the dark beverage of Hell."

THE AUTHOR.

TABLE OF CONTENTS.

CHAPTER.	PAGE
I.—Thirty Years at the Bar.—A Summary,	11
II.—A Prodigal Son.—In the Felon's Cell and in the Halls of Congress,	14
III.—Scenes in Jail and Court.—Prisoners Sentenced,	19
IV.—A Drunkard's Will,	24
V.—Law and Legerdemain.—The End sometimes Justifies the Means,	29
VI.—Truth Stranger Than Fiction,	44
VII.—The Temperance Lecturer who had once been a Temperate Drinker,	51
VIII.—The Logic of the Law Bothers a Juror,	54
IX.—A Judicial Murder—A Licensed Grog-seller an Accessory,	60
X.—The Great Army Marching to Death,	71
XI.—Why he was Divorced, and how he came to get Married Again,	76
XII.—Street Arabs in Court.—A Dialect New to the Judge,	80
XIII.—Will P., an Old Friend,	87
XIV.—An Ancient Book Account and Another Murder,	94
XV.—Charity.—An Eating-saloon Bill of Fare,	101
XVI.—Entomological Report.—Still Worm and the Way to Destroy it,	107
XVII.—Deacon Abijah Stone and His Cow.—Effect of High Priced Goods in an Early Day,	114
XVIII.—Compulsion and Persuasion,	123
XIX.—Pat Flannigan's Logic,	127
XX.—A Poem by a Young Lady,	133
XXI.—Legal Maxims,	135
XXII.—The Young Mother, the Good Samaritan and the Man of Good Moral Character,	143
XXIII.—The Grog-seller's Dream,	156
XXIV.—The Temperate Drinker.—The Beginning and the End,	161
XXV.—Effects of Alcohol on the Brain,	165
XXVI.—Murdered by a Brother-in-Law.—A Scene in Court,	171

TABLE OF CONTENTS.

CHAPTER.		PAGE
XXVII.	—The Toast.—Divided we Stand, United we Fall.—A Parody with a Moral,	178
XXVIII.	—Who Owned the Thimble?—A Case of Circumstantial Evidence,	183
XXIX.	—The Conneautville Fair.—How an Exhibitor was Treated who Desired to Exhibit One of the Principal Manufactures of the Commonwealth,	191
XXX.	—Effects of Alcohol on the Stomach and Digestive Organs,	195
XXXI.	—How Liquors are Made.—Useful Receipts,	200
XXXII.	—A Cure For Hard Times: Make your Wife your Bartender,	209
XXXIII.	—Yielding to the First Temptation is the First Step to Ruin,	212
XXXIV.	—Mistaken Identity.—The Painful Result of one of my Lectures,	216
XXXV.	—The Mountain in Labor,	220
XXXVI.	—Murdered by a Grateful Country,	226
XXXVII.	—The Yellow Flag,	230
XXXVIII.	—Sentence Day in Court,	233
XXXIX.	—Who was the Murderer?	241
XL.	—To the Women of the Country,	247
XLI.	—The Grog-Seller a Great Public Benefactor,	258
XLII.	**—Good-Bye to the Reader,**	**263**
	Postscript,	**266**

CHAPTER I.

THIRTY YEARS AT THE BAR.—A SUMMARY.

"Thou sparkling bowl! thou sparkling bowl!
Though lips of bards thy brim may press,
And eyes of beauty o'er thee roll,
And song and dance thy power confess,
I will not touch thee; for there clings
A scorpion to thy side, that stings."
—*John Pierpont.*

"All men that are ruined are ruined on the side of their natural propensities."—*Burke.*

The laws that license the sale of intoxicating liquor are different in different States; and to the credit of some of the States of our Union, it can be said that they do not grant any license to the nefarious traffic. Yet, where it is licensed, no matter what are the special provisions of the law, the consequences incident thereto are the same, and are as certain to follow as the ripening ear follows the planted seed. And as men in this world do not gather grapes from thorns nor figs from thistles, neither do they gather a harvest of moral advancement and social prosperity where they have sown the seeds of sin and crime.

In the following pages I propose to relate to the reader a few incidents from the Diary of an Old Criminal Lawyer, to narrate a few of the many scenes I have witnessed in our courts and in our prisons, and to seek to draw a moral therefrom pertinent to the subject of this little volume as it is announced on its title-page.

I do not expect to narrate even a tithe of the crime and suffering I have seen, whose cause may be traced directly to the license system of our courts. Had I the pen of a ready writer, I could write volumes in relating incidents of crime and horror whose details I have heard either in our courts or in the cells of our jails; and when my hand was weary and my memory failed me, I could yet say that even the half had not been told.

My experience at the bar has satisfied me that intemperance is the direct cause of nearly all the crime that is committed in our country. I have been at the bar over thirty years, have been engaged on over four thousand criminal cases, and on mature reflection I am satisfied that over three thousand of those cases have originated from drunkenness alone, and I believe that a great proportion of the remainder could be traced either directly or indirectly to this great source of crime. In sixty-three cases of homicide forty-nine have been caused by the maddening influence of strong drink. I have seen upon the counsel table of our court-room the skull of an aged father, who was killed by a drunken son. My brother and myself sat by his side as his counsel, and I never shall forget the look of that son when the ghastly evidence of his guilt was laid upon the stand before him. That silent yet eloquent witness! It was but an arch of bone, and was handled carelessly by the jury in their investigation, yet it had once been covered by a father's gray hairs; beneath it had throbbed a brain full of pride and affection for the son who was now on his trial for murder, and as it passed from hand to hand the fearful expression on the face of the accused plainly told the terrible feeling of remorse that filled his soul. It was a wicked and most unnatural crime, and begot feelings of loathing and horror in the breasts of all who witnessed the trial. Yet it was not in reality the son who had committed the crime, but the demon that lurks in every cup of strong drink. And that cup had been filled and placed to the lips of that son by the hand of a most respectable member of society—a man who had a license from that very court to sell that which maddened the brain and prompted the hand to murder.

I saw upon that table the skull of young B——, who was killed by his most intimate friend in a drunken brawl at Hartstown, and the respectable proprietor at whose hotel the murder was perpetrated, and who sold the maddening spirit that prompted the deed, was a witness at the trial. He said he had a license from that respectable court to sell liquor; yes, from the very court then sitting in judgment on that act, which was but the natural sequence of the license it had sold and granted.

I have seen upon that table the skull of a little child with

the evidence upon it of a murderous blow, inflicted by the hand of a drunken mother. Yet it was not the mother who had committed that most unnatural crime. All our knowledge of the promptings of the human heart deny the charge. Who that remembers his own mother and her maternal love could believe it? No! a demoniacal spirit had violated the sanctuary of the mother's heart and cast out the tender, loving tenant that once resided there, and that was the spirit of strong drink, sold to the woman by a man who held a license to sell under the seal and sanction of that very court.

I have seen upon that table the blood-stained skull of a wife, cleft from top to base by an axe in the hand of a brutal, drunken husband, who came home from a neighboring licensed beer-shop, reeling, drunken, and maddened by drink there sold by a most respectable dealer, by a man who had a legal right to sell that poison whose effects are more terrible than the plagues confined within the fabled box of Pandora, and under whose baleful influence

"The hand that should shield the wife from ill,
In drunken wrath is raised to kill."

I once defended a man for killing his own brother, by whom in a fit of drunken frenzy he had been attacked with a dangerous weapon, thereby compelling him in his own defense to strike a blow that had taken his brother's life. He was tried for murder, and in his defense I called the "landlord" to prove that the murdered brother was mad from the effects of the liquor he had received at the witness's bar. He so testified, yet seemed conscious of no wrong. Why should he? He had a license from the court, and why should that brother's blood cry to Heaven for vengeance against him? Oh no! he was a respectable citizen, possessing a good moral character, for the law grants licenses to none other. He had a legal right to present the maddening cup to his fellow's lips, and no one should complain of him. He had acted in accordance with the law, and did not one of England's greatest and best of men say that "The law was that science whose voice was the harmony of the world, and whose seat was the bosom of God"?

CHAPTER II.

A PRODIGAL SON—IN A FELON'S CELL AND IN THE HALLS OF CONGRESS.

"O thou invisible spirit of wine, if thou hast no name to be known by, let us call thee Devil!"

"Every inordinate cup
Is unblessed, and th' ingredient is a devil."

"It was excess of wine that set him on,
And on his more advice, we pardoned him."

"The jury, in passing on the prisoner's life,
May in the sworn twelve have a thief or two
Guiltier than him they try."

—*Shakespeare.*

About twenty-five years ago I was sent for to see a prisoner in our jail who had just been committed for passing counterfeit money. A large package of this money had been found concealed in his bed in his room at the hotel. He had passed a ten-dollar bill, was detected, arrested, and committed to prison for trial. I went to the jail, and in a cell I saw a young man not over nineteen or twenty years of age. His face bore the unmistakable evidence of dissipation and drunkenness, while his language showed that he had received the education and culture of a gentleman. He told me his sad story. He was the only son of wealthy parents, petted and spoiled by a fond mother and an indulgent father. Bad company, which he met at the fashionable saloon and bar-room, led him astray. The appetite for strong drink had fastened upon him with a force he could not resist. His father had remonstrated with him in vain, when, in a fit of drunken anger, he struck the old man to the earth, and then fled from his home and friends, becoming a wanderer and an outcast. He soon fell in with some of his old associates of the saloon and bar-room, who induced him to undertake to pass counterfeit money. He was detected in the first

offense, and there, friendless and a stranger, without money to assist him in his defense, he was a prisoner in a felon's cell.

I desired him to write to his friends, but he refused, and would not even tell me his right name. He said it would break his mother's heart to hear of his crime and shame. "But oh!" said he, "if you can only save me from the penitentiary I will reform. I will go back to my home, for no one there will know of my crime, and I will never taste liquor again."

This was before the adoption of our criminal code, and when we practiced under the old common-law forms of pleadings, which required great accuracy in indictments. The hour of trial came at last. The District Attorney made a slight mistake in the indictment, in the description of the counterfeit bill and when it was offered in evidence, on an objection being made, "that it was not the bill described, and therefore was not admissible as evidence," the Court sustained the objection, ruled in my favor, the fatal testimony was rejected, and my client was safe. Joy was in my heart as well as in that of the poor prisoner. Not so with the noble and generous public, who erect bar-rooms and drinking saloons, and sustain them by law, for the ruin of the young. Oh, no! Rome fairly howled with rage and disappointment that so great a criminal had escaped. No one seemed to deprecate the temptations that had beset him, or to feel pity for his youth and friendlessness. The public prints never said one word about the many pitfalls that are placed by law in the pathway of youth, but I was most heartily abused and berated for my efforts in his behalf. I tried to bear it with what Christian fortitude and resignation I had, and, if I remember aright, I believe I rather enjoyed it. I had a verdict of not guilty, at all events, and as some months had elapsed between the time of his arrest and his trial, my poor unfortunate client was entirely sobered. He had conquered the thirst for strong drink; its fatal craving was no longer upon him. We parted: he, like the prodigal, to return to his father's house, and I to receive the censure of many in our community for "clearing a man" who so richly deserved the penitentiary. Fourteen years after that I met my client in Washington, a representative in Congress from his native city, an able and influential member of the House, and a Christian

gentleman. But for the pernicious influences of those licensed saloons and bar-rooms, those connecting links between virtue and crime, he would never thus have sinned. But for the nets spread by law for the unwary feet of the young and inexperienced, this bitter lesson in crime and remorse would have been spared him: and had not the District Attorney omitted that one little word in the indictment, he would have been convicted and sentenced to the penitentiary for a period of five years. He might have survived the sentence. To a man like him the punishment consists not in the imprisonment alone, but in the fact that even when the term of punishment has expired and the prison doors have been thrown open, he would go forth into the world ruined and dishonored, with the felon's brand on his forehead. No one would have remembered his temptations; no one would have forgotten his crime; the stain of the penitentiary would have followed his footsteps, though he had gone to the uttermost parts of the earth, and the taint of that terrible punishment would have clung to him through life like the poisoned garment of Nessus.

Why is it that an enlightened and a Christian people cannot see the terrible consequences that arise from those gilded allurements and temptations to sin and crime with which the law besets the path of youth and innocence? Under the influence of the present advanced state of medical science, as a people we pay great attention to the sanitary condition of our country. We hear a rumor that a pestilence is approaching us from some distant land, and straightway the public prints sound the alarm. In all our towns and cities health committees are appointed to examine the streets and alleys, to see that every cause of disease is abated. The sewers are examined, all the cesspools where lie hidden the seeds of pestilence are removed, and long before the dusky wings of the Angel of Death are seen approaching our land from the plague-stricken countries of the East, we are prepared to arrest his flight, and we wonder that other countries do not do the same. We read with astonishment the accounts that travelers give of the filth and corruption that fester in the public thoroughfares of the cities of the Orient. We are amazed that a people should be so ignorant and careless as not to remove, as far as possible, the cause of the

"Pestilence that walketh in darkness and that wasteth at noon-day."

And yet in our midst are hundreds and thousands of plague-infested spots, licensed by our courts, and protected by law, from whence are scattered the germs of disease and death more terrible and certain in their effects than all the plagues that have swept over the earth, decimating its people. The pestilence poisons only the body, and though it brings physical death, it affects not the morals of society, while intemperance not only destroys the body, but sows the seeds of immorality and crime broadcast, as the snow-flakes are scattered by the winter's wind.

STORY OF JO. MORGAN.

"Take one more example, to our purpose quite."

But a few months ago the public prints recorded the suicide in T——— of poor "Jo. Morgan." A short time before her death she had been arrested for stealing a solitaire diamond ring, valued at sixteen hundred dollars. She sent for me. I visited her in her cell in prison, and there saw a young and once beautiful woman, well educated, showing the evidence of former cultivation and refinement, and a mind more than ordinarily intellectual. She told me her sad story. Married when very young to the object of her first love, she lived happily with him for a number of years. His business prospered and everything seemed to promise a life of happiness and love. But in an evil hour the tempter came to him in the wine-cup. The opportunity for indulgence was ever present in the licensed saloon and drinking resort so common in our large cities. He followed the footsteps of the tempter. He trod the path so many had trodden before. Financial ruin came upon him, and he became a besotted drunkard, loathsome and disgusting to all who knew him. Poor Joe clung to him in his degradation, and made every effort to reclaim him. She was an orphan, and had no other home to go to, and was compelled to live with a drunken and brutal husband and submit to his curses and blows, until life became burdensome. All this time "hope told a

flattering tale." She thought her husband might yet reform, until at last he, her husband, tried to persuade and even to compel her to live a life of shame, that he might spend the wages of her sin in strong drink. Then she fled from his hated presence a homeless wanderer, a waif on the sea of humanity.

For some time she tried to support herself with her needle, but, raised and educated as she had been in a fashionable boarding-school, she could do nothing that would even supply herself with bread. She struggled with famine for a number of months. Then the tempter came to her. She could exchange want, penury, and starvation, for luxury and ease—and she fell!

> "Fell like the snow-flake, from heaven to hell,
> Fell, to be tramped as the filth of the street;
> Fell, to be scoffed at, to be spit on and beat.
> Pleading,
> Cursing,
> Dreading to die,
> Selling her soul to whoever would buy,
> Dealing in shame for a morsel of bread,
> Hating the living and fearing the dead—
> Merciful God! had she fallen so low!
> And yet once she was pure as the beautiful snow!"

The sequel of her fate is generally known. Although I succeeded in obtaining a verdict of acquittal, yet, distracted and heart-broken, she went from prison to die by her own hand, a victim of the accursed traffic in rum. But she died protesting her innocence of the theft, and now in a lone grave in a desolate burying-ground in the country, sleep the remains of poor Josephine Morgan, although that, I believe, was not her real name. Let us be charitable to her memory.

> "Think gently of the erring; for ye know not of the power
> With which the dark temptations come in some unguarded hour.
> Ye know not how earnestly she struggled, nor how well,
> Until the hour of darkness came, and, struggling thus, she fell."

CHAPTER III.

SCENES IN JAIL AND COURT.—PRISONERS SENTENCED.

"Man, with raging drink inflamed,
Is far more savage and untamed;
Supplies his loss of wit and sense
With barbarousness and insolence."

—*Hudibras.*

"He that is drunken
Is outlawed by himself: all kind of ill
Did with his liquor slide into his veins."

—*George Herbert.*

"——— With shame and sorrow fill'd—
Shame for their folly: sorrow out of time
For plotting an unprofitable crime."

—*Dryden.*

How often have I been called into our jail to listen to a tale of crime from the lips of some poor unfortunate there incarcerated, and awaiting his trial. When I have heard the story of his guilt, and have asked, "Why did you do the deed?" how often have I received the answer, "I was drunk, and did not know what I was doing." Then would I hear the prayer, "Oh, save me from the penitentiary or the gallows, and I will never touch liquor again."

I have often gone into the court that granted the license to those who sold the poor, friendless criminal that which prompted him to commit the crime, and availed myself of every rule of law, of every privilege it gave me, to accomplish an acquittal, and when successful, have said to him, "Go, and sin no more." I have been conscious all the time that many blamed me for my efforts to acquit those the public thought guilty. But seldom have I heard the court censured for granting licenses to respectable men to make criminals of their fellow-men. Oh, no! the sacred ermine of justice is not soiled or stained by granting licenses to sell that which prompts the heart to crime and the

hand to murder, but the humble advocate who defends the victims of this accursed traffic meets with the censure of a most just and righteous public.

After the jury trials are ended at every court, how often have I heard "His Honor" say, "Sheriff, bring in the prisoners for sentence"! In a few minutes they come, a motley throng files into the court-room, and on almost every pale and haggard countenance is seen the evidence of strong drink. But the frenzy caused by the licensed cup has passed away, leaving remorse of conscience, shame, and contrition on every face. Yet shame and contrition came too late, for it is only since the bars and bolts of yonder prison have protected them from the baleful influences established by the license of the court, that the voice of reason and conscience has been heard. In their imprisonment I could see one feeble ray of justice, in this, that while it prevented them from committing crime, it also removed them from the temptations established by law and protected by license. And I have often wondered if the court about to pronounce the sentence ever remembered the words that fell from the lips of Jesus, when on His hallowed mission to earth: "*Lead us not into temptation, but deliver us from evil.*" But the jury is now instructed to go out, and the sentences have been fixed. The name of the poor prisoner is called by the court. He is told that "the law and the awful eye" and is then asked if he has anything to say why the sentence of the law should not be passed upon him. With upturning look and tearful eye he answers: "I hope your Honor will show mercy to me, for, although I am guilty, yet I was drunk when I committed the crime, and did not know what I was doing." As I have heard this pitiful plea, and I have heard it so often, I hoped it would avail, for I remembered the prayer from the cross, "Father, forgive them, for they know not what they do." But no! the poor criminal, whose crime is often the legitimate offspring of the license system, is told that his plea can avail him nothing; that drunkenness is by law an aggravation of the crime, for it is itself a sin and an offense. He is advised by the court to patiently suffer the imprisonment imposed by the sentence. He is kindly informed that while he is in prison he will be out of the reach of temptation, will be unable to get liquor, and that when he

comes out he will be a sober man. He is advised in the future to let liquor alone, to keep away from the rum-shop, and that in the end, if he lives long enough, society will forgive and forget his offenses. When the poor, trembling victim of this accursed traffic has heard the sentence that consigns him to prison for a number of years, and has sunk into his seat, I hear from the audience yonder the stifled scream and cry of anguish from his heart-broken wife, who will tell you, as she has often told me, "John was a good man, a kind father, and an affectionate husband, until he took to visiting the licensed beer-shop and bar-room, and then crime came to him, and want and ruin to his family."

Do not, my reader, I beg of you, believe that the criminals that have gone from our court-room to prison are morally of a different *genera* and *species* from the common race of mankind, for they are not. I have defended hundreds of men for the commission of crime, when I sincerely believed that the only difference between them and the very respectable jury sitting in their case was that made by ten cents worth of the meanest whiskey that ever a Christian court licensed a man of "good moral character" to present to the lips of his fellow-man.

In this world men are often the mere foot-balls of circumstances over which they have no control; and I have defended scores of men who, if they had in early youth received the same mental training, been surrounded through life by the same moral atmosphere that surrounded his honor upon the bench, would have equally well graced the "judicial ermine;" while unfortunate circumstances of birth, accompanied by a vicious education and corrupting influences from infancy to manhood, would have placed many of the ablest and most worthy judges of our land in the criminal dock. It does not follow that all convicted criminals are by nature worse than their fellow-men. Victor Hugo once said that the world was divided into but two classes, "the great detected and the great undetected," and if this saying is not entirely true, there is enough truth in it to teach us to be charitable toward our fellow-men.

Bishop A., one of the most learned and pious of the English clergy, who was celebrated for his eloquence and his charity for sinful humanity, was once walking with another clergyman of

the Established Church along the streets of London. On their way a procession from the prison passed them on its road to "Tyburn," the place where criminals were executed. In the procession was a cart containing two men under sentence of death. The men were dressed in their shrouds and seated upon their coffins. The good bishop and his friend paused while the solemn cortege passed. For a moment he looked at the ill-fated men, and then, turning to his friend, said, "There, brother, but for the grace of God and fortunate circumstances, there go you and Bishop A." Here was that Christian charity that was kind and that vaunted not itself; a charity that could believe that all criminals were not by nature totally depraved, but were many of them the victims of the circumstances that surrounded them from birth.

> "Think gently of the erring;
> Oh! do not thou forget,
> However deeply stained by sin,
> He is thy brother yet.
> Heir of the self-same heritage,
> Child of the self-same God,
> He has but stumbled in that path
> Thou hast but feebly trod."

But while we have been moralizing the court has not been idle. The sentences have all been passed, the majesty of the offended law has been vindicated; the Sheriff has retired; and oh! the untold agony of those who follow him to yonder prison doors! As I have witnessed those scenes I have wondered if the prisoners in their cells do not ask these questions of the solitude and gloom that surround them: Why is it wrong to drink that which the law says it is right to sell to be drunk? Why should drunkenness aggravate a crime, when men are licensed all over the land to sell that which has made me a drunkard and a criminal, and which annually ruins thousands of my fellow-men?

But the sentences have all been passed, and the business of the court goes on. The attorneys are notified that the court will now consider the applications for tavern licenses.

A petition is filed, stating that "A. B., a respectable citizen, desires to keep a hotel, that he is a man of good moral character." One wonders why it is necessary to have a good

moral character to keep a rum-shop. But that is the law. The petition and certificate of good character are signed by twelve respectable (?) citizens, who certify also to the necessity (?) of such a hotel. It is considered by the court, is granted, and straightway this respectable citizen with a good moral character is licensed to sell that which he knows will ruin his neighbor, and prompt him to commit crime. And thus the seed is sown; and the next court may expect to gather another such a harvest as but an hour before was gathered into the prison-house of the county.

And so the evil goes on, sanctioned by law and protected by license. At every court the seed is sown, and at every court that harvest is gathered whose reaper is Death.

It is said, "We must not blame the judicial officers of the law for this." That is true, except to hold them to a proper exercise of their discretionary power. "Boni judicis est ampliare jurisdictionem" ("*A good judge will, when necessary, **extend the limits of his jurisdiction***") is an old and time-honored legal maxim. Judges are not mere automata, created to execute the letter of the law, regardless of its "effects and consequences." They are supposed to have discretion, and in some instances they have. They are expected to exercise that discretion in such a way as to protect society as far as possible from the effects of a bad law. The liquor law is a blot on our statute book, a disgrace to modern civilization. The evil of intemperance is a putrid sore on the prosperity of our country, and our duty to ourselves and our children demands that we wipe it out by the influence of public opinion at the ballot-box.

It is perhaps true that no law would or could wholly prevent the drinking of intoxicating liquor by those who have already acquired a taste for it. But the love of strong drink is not a natural but an acquired taste, and those who do not have it will certainly take no pains to acquire it. Let us, then, as far as possible, keep it out of the reach of the young and rising generation. Let us by the strong arm of the law blot out of existence the saloon, with its glittering paraphernalia of ruin and death; let us close the doors that open from our public streets into the dens of debauchery and drunkenness, and future generations will bless us with grateful recollections.

CHAPTER IV.

A DRUNKARD'S WILL.

"Boundless intemperance
In nature is a tyranny: it hath been
The untimely emptying of the happy throne
And fall of many kings."

—*Shakespeare.*

"What melancholy sloth, severe disease,
Memory confused, and interrupted thought,
Death's harbinger, lie latent in the draught;
And, in the flowers that wreathe the sparkling bowl,
Fell adders hiss, and poisonous serpents roll."

—*Prior's Solomon.*

A CLIENT of mine once called on me to draw his will. He was at that time a man of large property. The will was drawn and left in my keeping. In it he made ample provision for the support of his family and the education of his children. Ten years passed away: his property was gone, and he had died a drunkard's death. I stood by his coffin, for he had been my friend, and as the "dust was returned to dust" I thought of the will he once made, and the legacies he now left his family. Yes, I thought of a drunkard's will! It could be written in a few short sentences: "I will and bequeath to my heart-broken wife the memory of broken vows, blighted hopes, penury, and woe. I will and bequeath to my little children poverty and shame, and to the rest of my kindred I will and bequeath the recollections of a misspent life and the monument of a drunkard's grave." Oh! how many such wills are recorded in the great book of man's destiny and fate! How many such monuments are found in the cemeteries all over our land, not built alone over the remains of those whose feeble intellects have rendered them easy victims of temptation and sin! Go where you will—visit the cities of the dead in every land—and there lie the remains of poets and statesmen, kings and subjects, men of

the brightest intellects as well as of feeble minds—hundreds upon hundreds, thousands upon thousands—yes, millions upon millions, filling drunkards' graves: for the demon that has so long devastated the earth spares neither rich nor poor, plebeian nor patrician, but all alike are its victims. From him who, with his godlike intellect,

> "—— touched his harp, and nations heard entranced,
> . . . . . .
> Who with the thunder talked as friend to friend,
> And wove his garland of the lightning's wing;

down to him

> "Who never had but a dozen thoughts
> In all his life, and never changed their course,
> But told them o'er, each in its 'customed place,
> From morn till night, from youth to hoary age;"

yes, from every station in life, the demon rum demands victims for his altar. The holy vestments of the church and the sacred ermine of justice are no protection against this demand. Yet a Christian people will by law provide victims for the sacrifice; will grant licenses to tempt men to sin, and then punish those that are tempted; will in the name of the law legalize and license the great source of crime and then punish the criminal. Shame! shame!! on such a law and the people who sustain it. Oh, monstrous incongruity in a people who with the right hand erect churches in the name of the living God, and ask men to repent, while with the left they build prison-houses and scaffolds, and by law tempt men to occupy them.

A CHEMICAL ANALYSIS.

I was once called upon to analyze a bottle of liquor in a case of suspected poisoning. I took it into my laboratory and applied the chemical tests that science had developed, and found only the usual component parts of carbon, hydrogen, and oxygen. No, there was no poison there, such as had been suspected. It was, as the manufacturer stated on the label of the bottle, "pure liquor." My little chemical skill had failed to detect any unusual ingredients.

I sat looking at the suspected compound for a few minutes, when imagination, ever busy with the human brain, said to me: "Oh! thou most blind and inexpert chemist, most ignorant of what thou art 'most assured,' is thy scientific knowledge of so little avail? Seest thou no poison there? Look again; regard not the evidence of the alembic and the retort, but take it into the laboratory of thy recollections of the past and of all human experience, then tell me what thou seest."

I looked for a few moments, and soon I saw its color change, and on the bottom the red drops of murder were gathering there; I looked again, and from its liquid depth the ghastly face of suicide looked forth at me, with the glazed eye and livid features of the dead. Again I looked, and pale, haggard want, famine and wretchedness were floating like motes in the sunbeam in its sparkling contents. And there I saw the mother's grief, the wife's agony, and the tears of the drunkard's children; I saw the ruined hopes of a wicked life and the record of sin and crime. The very bubbles that sparkled on its surface were full of human sorrow, disease and woe. Yes, although the tests of science had failed to detect them, these terrible ingredients were all there, and not even the contents of the witches' cauldron in Macbeth afforded a more horrible compound than pale Hecate had there distilled in her hellish brews from the fruits of the earth. And I was compelled to go into court and testify that it was "pure liquor," that, in the language of the law, it was not adulterated with any ingredient injurious to health; yet every drop of the infernal compound was full of disease and crime. The bottle was labeled "pure liquor," and it was obtained by the man it had murdered a few hours before from a prominent member of a Christian church, who himself was labeled by the court that granted his license, as follows:

"This man is a respectable citizen, possessing a good moral character, and therefore we license him to sell to his fellows that which contains the germs of sin and death. He is hereby authorized to feed that fatal appetite which is urging so many on that path whose end is a drunkard's grave." And this label was attested by the Commonwealth's broad seal, that ought to have crumbled into dust at the infamy to which it was thus subjected.

When, during the rebellion, the Southern rebels sent the infected clothing from the plague hospitals of the South to the North, to scatter disease and death over the land, the whole civilized world was horror-stricken at the deed. It was denounced in every land and by every tongue. And yet, oh! most Christian consistency, we to-day sustain its parallel by law and support it by license. And so long as that law remains on the statute book, every court will be an infected centre from which disease, both moral and physical, will spread as certainly as the plague from a pest-house, or miasm from the stagnant pool.

The license system is productive of evil and nothing but evil. It is granting a privilege to men to sell that which breeds disease and begets crime. From the hour when the vile compound is first vomited forth by the poisonous worm, amid the sickening vapors of the loathsome distillery, to the time it maddens the brain with demoniacal frenzy, the trail of the serpent is all along its pathway—rapine and sin its legitimate offspring. Without one redeeming trait, it passes along all the by-ways of human life, through the fashionable parlors of the refined circles of society, through the public bar-rooms at our fashionable hotels, through the glittering saloons that line our public streets, down through the lowest haunts of vice in our great cities; and all along its course it leaves nothing behind it but human sorrow, disease and crime. And yet, shame on the enlightenment of the nineteenth century, a Christian people license its sale by deliberate enactments of the legislature, and sustain it by the decisions of our courts, while they expend millions of money to send missionaries to the heathen, and religious tracts to the islanders of the far-off sea.

Verily, there is a missionary work to be done at home, and a beam to be removed from our own eye as well as a mote from that of our neighbor's.

For my own part, I deserve no credit for my hatred of intemperance and the laws that sustain it. It was instilled in my youthful mind where I learned my infantile prayers, at my mother's knee. It has grown with my growth, strengthened with my strength, and after all I have seen of its evils in our land, its bloody record of crime in our courts, the wide-spread ruin it has scattered around, the wrecks of noble minds de-

stroyed by its influence. with all the wretchedness and woe it brings to the family circle. after all this. which must be apparent to every one. I have no patience with any man who advocates the license system and its certain consequences, intemperance and crime: and when I meet such a one, who, in its support, lies to his own conscience and sins against light and knowledge, I do not feel like arguing the question with him. but I do feel inclined to apply to him epithets—well to say the least of it, epithets that would sound much better coming from the lips of a lawyer than from a minister of the gospel.

CHAPTER V.

LAW AND LEGERDEMAIN.—THE END JUSTIFIES THE MEANS.

"And the star shone down from the midnight sky,
And the moon from its home of blue
Look'd out on that night of revelry
And that shouting Bacchanal crew;
But desolate the hearts
Of those that loved them well,
For sorrow's poison darts
Upon their bosoms fell."
—*Lalla.*

"And lead us not into temptation, but deliver us from evil."

"Judge not that ye be not judged. For with what judgment ye judge, ye shall be judged."

The incident I am about to relate occurred twenty years ago. And while I am well aware that my course in the trial of this case may not meet with the entire approval of the members of the legal profession, and perhaps not of all my readers, yet I ask that you suspend your opinion until you hear the whole case, or as a judge would say to a jury: "Gentlemen, you will come to no conclusion, and try not to form any opinion, until you hear all the evidence, the argument of the counsel, and the charge of the court." I ask this of my readers; ask you, gentlemen of the jury, until the evidence is all before you, until you have heard the counsel, and the charge of that sacred monitor, your conscience, which is the court before whose tribunal every act you do should be able to justify itself, for the time will come when every page of the record kept by conscience in your hearts shall be a witness, either accusing or excusing you, before that dread court into whose sacred precincts no error can come, and from whose investigation no secrets are hidden; before that Judge whose all-seeing eye sees every act of man, and whose all-hearing ear hears the most

silent whisperings of the human heart, even before the tongue hath given them utterance.

The little village of S——, in our county, had acquired a population of several hundred; it had a store, a post-office, two churches, a school-house, and several shops. The people of that quiet little hamlet were prosperous and happy; yes, happy in their ignorance of what was necessary for their own welfare and the public good. For so strangely benighted were they that, as yet, they had no licensed hotel to spread its legalized blessings around, as the deadly pestilential dew falls on some of the countries of the burning zone. For years this little village had nestled among the fertile fields of Western C——d, and so far as the records of our criminal court showed, its existence was unknown at the county seat, for no criminal case had ever been "sent up" from its law-abiding precincts. But the march of improvement and Christian enlightenment is ever onward and upward. There came an enterprising man, and, unfortunately for the little village, he was a man of "good moral character," and therefore a fit recipient for the favors of the court. He proposed to purchase a corner lot in the place, and erect thereon a fine hotel. The good, staid, and sober old burghers of the town were in ecstacies over the contemplated great improvement: it was just what was wanted to make S—— an embryonic New York, and the price of village lots went up with a bound.

Time passed on; the hotel was completed, furnished, and was to be opened on the 22d day of February. An application had been made for a license, and, if it was granted, the proprietor proposed to give a grand free ball on the night of the opening, at which time the well-stocked bar was to be so free that those who attended could sin without money and without price, he well knowing that the seed thus sown would in time yield him an abundant harvest, though the gathering might leave behind the barren stubble-field of drunkenness and crime.

Of course the license was granted. The proprietor was, as I have said, unfortunately a man of good moral character and temperate habits. Deacon A. of the Baptist Church; Class-leader B. of the Methodist Church; Elder C. of the U. P. Church; Doctor D. 'Squire E. and a number of lesser lights of

the society of the village signed the certificate of the proprietor's good character, believing that all that was required to make the little town happy and prosperous the rest of their days was a legalized place to commence to manufacture drunkards, and as it was the only manufacturing establishment of any kind in that section of the country, all were overjoyed when the news came that the glorious prerogative to sell whiskey was granted to the proprietor of the "UNITED STATES HOTEL" at S——.

Time, bearing in its womb the future joys and sorrows of men, moved on; the 22d day of February came at last, and all the lads and lassies for miles around were there. The bar was open and free—and

"There was a sound of revelry by night
And Western C—— had gathered then
Her beauty and youth; and bright
The lamps shown o'er fair girls and young men;
A hundred hearts beat happily; and when
The *fiddle* sounded with its voluptuous swell,
Soft eyes looked love to eyes which spake again,
And all went merry as a marriage-bell.
But hush, hark! a deep sound strikes like a rising knell;
Did ye not hear it? Yes; it is a drunken yell."

What is it? Oh, nothing, only there is a row down stairs. Some young men, who had never been accustomed to drink before, because the law never placed it so conveniently within their reach, had got drunk and were fighting in the bar-room.

"On with the dance; let joy be unconfined;
No sleep till morn when youth and pleasure meet
To chase the glowing hours with flying feet.
But hark!—that heavy sound breaks in once more."

Oh, yes, the fight is going on; there was an armistice for a time, just long enough for the belligerent parties to take an other drink in mandlin friendship and reconciliation, when, with curse and blow, it commenced again.

"And then there was hurrying to and fro,
And gathering tears, and tremblings of distress,
And cheeks all pale which, but an hour ago,
Blushed at the praise of their own loveliness."

And there were sudden partings and choking sighs, accompanied by ejaculations, as "Sam, now don't go down stairs and get into a fight"; "Oh, Bill, now don't drink any more," etc., as each gentle maiden admonished her lover in tones so timid and sweet, one would hardly suppose that a few years of connubial bliss could ever develop them into stern admonitions, like those in which Tam O'Shanter's wife "told him what she thought of him."

Yes, there was a row in the bar-room; free whiskey had ended in a free fight, as usual, and one Henry D., the son of a widow, who lived a mile or two from the place, had, in a fit of drunken frenzy, with his naked hands, struck a stand of glasses that stood on the counter and dashed them on the floor. The broken glass had cut his hand severely. One of his companions, William W., had taken from Henry's pocket a white silk pocket handkerchief, and wrapping it around his bleeding hand, tied the corner ends together. The young man left the hotel with several others, and was at home in the morning, but he was so drunk that he forgot the important fact that he had taken a young lady to the dance, until he was reminded of it in a somewhat emphatic manner by the young lady herself the next day, she being at that time an inmate of his mother's house.

William W., who tied the handkerchief around Henry's bleeding hand, was the owner of a small store that stood near the canal. His stock of goods consisted of coarse clothing, usually worn by boatmen, and a general assortment of boat supplies. He was a man of low associations and bad repute. His store was the nightly resort of boatmen and roughs, who live along the water thoroughfares of the country, and those ladies who do the "*cuisine*" on board the floating palaces of our canals. That night William was at the dance until nearly daylight. In the morning he discovered that his store had been entered by burglars, through a window in the rear, the thieves breaking a light of glass for that purpose. A quantity of goods had been stolen, mostly rough clothing, boots, and shoes, but, as he alleged, of the value of over two hundred dollars.

No trace of the burglars was found. Time passed on until the month of June, when some men who were removing the hay from an old hay-barn that stood in a meadow near by, found

concealed under it the stolen goods, tied up in a large, coarse woolen shawl. On opening the bundle, among the goods was found the handkerchief of Henry D., that had been wrapped around the bleeding hand. It was spotted with blood and still remained in a coil, just as the hand had been withdrawn, leaving the very impress of the fingers inside the coil.

Every one was astonished at the development. Henry D. had always sustained a good character. He was never known to drink before or since the night of the ball, was well off, his father having left him by will a large and well-stocked farm. He was an only son, the idol of an aged mother, and withal he was about to be married to the young girl he had taken to the ball. He was universally popular among the people, and the discovery fell upon the quiet little village like a flash of lightning from a clear sky. William W., the owner of the store, made a complaint, charging Henry with the crime of larceny and burglary. Henry was arrested and committed to jail to await a hearing, as he either would not or could not give any satisfactory explanation about the handkerchief.

Thus the case stood, when one evening, as I was seated in my office, communing with myself and my meerschaum, I heard a light knock at my door: I opened it, and a very pretty young girl entered and inquired if I was the lawyer who cleared persons accused of crime. I told her I was a lawyer, and that I sometimes defended persons on criminal charges, that is, when I was perfectly satisfied that they were innocent (?). "But he is innocent," she replied, with emotion; "he never committed a crime in his life: he is an honest, good young man, and would not do a mean thing."

Poor child, I thought, what a pity it is that your idol is made of clay.

I gave her a seat, and inquired who the person was who was so fortunate as to enlist the services of so effective an advocate in his behalf.

"Was he a brother?"

"No," she answered; "he is no relation to me;" and her beautiful lips quivered, while a blush, red as the hue of the morning, stole over her cheek.

"Why do you feel so much interest in one accused of crime,

and who is no relation to you?" I inquired, with a malicious satisfaction, when I remembered that I was getting old and had lost all those charms for which I was so eminent in my youth (?).

"Who is he?" I again inquired, as she hesitated to answer my former question.

"Henry D., of the town of S——, and he is accused of robbing a store," she replied at length, "but he is not guilty: I know he is not. It cannot be possible he would do such a thing."

"Is he the son of David D., my old friend and schoolmate, who died a few years ago?" I asked.

"Yes," she said, and then, in a voice broken with sobs of anguish, she related the occurrence I have narrated. She further informed me that his mother was living, but in very feeble health, and that she did not know of the accusation against her son; that the neighbors had taken care not to let the terrible secret enter her sick-room, for fear that it would kill her; and, "Oh," said the young girl, "Henry was always such a good young man; he never drank before the night of the ball in his life. Oh, can you clear him?" she asked, looking at me with such a pleading expression of countenance that, although I am not very susceptible to female influence and charms (?), it went directly to my heart, and then, by a circuitous route, reached my brain some minutes after; and when she again asked me if I could clear him, I was ready to say yes, most emphatically, although I could not see how it was to be done.

I went with her to the jail and had an interview with Henry, a fine-looking young man, whose open, ingenuous countenance [illegible] against him, no matter what [illegible].

He told me that [illegible] a dozen drinks of liquor in all, but that, although [illegible] drunk on the night [illegible] very one was drinking [illegible] friends. He [illegible] by the [illegible] remembered, [illegible] collection [illegible] cutting his hand, [illegible] him that [illegible] him. "And another young man, who was a friend, went to

[illegible]m's store and took the goods. The young man he thought [illegible]ith him denied it, and Henry would not tell his name. [illegible]aid he, "neither of us could have intended to steal the [illegible]. I would not take William's whole stock as a gift. I [illegible] not use them; they are coarse and cheap and only in[illegible]d for canal-boat trade. But I am afraid I took them, for [illegible]ore I think of it the more I seem to recollect it, yet I [illegible] thought of it until the goods were found, and my hand[illegible]ief among them; then it seemed to come to me like the [illegible]lections of a half-forgotten dream."

[illegible]he young girl and myself left the cell; that is, I left first, [illegible] just now, while I think of it, I believe she remained behind [illegible]ment. I thought I heard a faint sound like an echo from [illegible]oung days. But I am ready to testify in any court where [illegible]question may become important that I don't remember what [illegible]unded like. Perhaps it was the click of the door-latch, al[illegible]gh I am afraid there is no latch on the door of a prison-[illegible] but no matter, only it made me more determined to pro[illegible] his acquittal if it was "on the cards."

[illegible]hile returning to my office, an idea struck me with con[illegible]able force. The phenomenon was so unusual that I remem[illegible] it distinctly.

[illegible] if Henry had any more handkerchiefs like [illegible] the goods; [illegible] number, she [illegible] him. [illegible] night [illegible] Henry's handkerchief [illegible] very [illegible] commonly [illegible] [illegible] [illegible] knew [illegible] [illegible]

[illegible] next [illegible] [illegible] [illegible] started [illegible] [illegible]

And while I was [illegible] few [illegible]

What right has the State, for the sake of the price paid for a license, to grant the proprietor of the UNITED STATES HOTEL the privilege of tempting young men to get drunk, and in consequence thereof to become criminals? What right has the State to tempt the rising generation to become drunkards? what right to authorize anyone to sell insanity, or give to another a loathsome and deadly disease? Has a druggist a right to sell or give arsenic or prussic acid to one he knows will be injured by the poisons? Has the State the right to grant a license to do so because it puts money in the public purse? We punish the defaulter to the Government who has stolen or embezzled the public money of which he was the custodian. Is it any meaner or more wicked to steal from the Government than for the Government to rob the citizen of his health, his money, and his reputation, by the license privilege, which does all these and much more? Had the Government a right through its legalized emissaries to ruin this poor widow's son and break her heart for the purpose of increasing the public revenue? Is the legal maxim true: "Actus legis nemini facit injuriam" ("*The act of law is prejudicial to no one*")? No, it is not true; it is a specious lie, and will be so long as the license law disgraces our statute book.

But Ellen has returned with the handkerchief, and we will proceed with our story.

The hearing was before A. C., a magistrate in our city. There was a long, high desk at one end of his office, behind which he sat during the examination. I stood behind the desk at one end. The prisoner, witnesses, and audience were in front. I had procured a newspaper, which I opened and spread upon the top of the desk, and stood reading it while the preliminaries were being arranged. The handkerchief was produced, and while I was cross-examining the principal witness, I carelessly spread it over the newspaper I had been reading, and with a pin, unseen by any one, I punctured the handkerchief and paper around the margin of the blood spots. This I did while I was cross-examining the witnesses and "quarreling" with the District Attorney.

When the examination had concluded and the defendant had been held under bail for his appearance at court, I requested

nagistrate to enclose the handkerchief in an envelope, and it until court. I did this because I feared some one would ver the love-knot, which I found as Ellen had related. I returned to my office with the punctured newspaper, mak- complete map of the blood spots. Next, spreading out andkerchief Ellen gave me, and the punctured newspaper it, with a tuft of cotton, I dusted red lead over the pin , and on removing the paper there was a map of the spots e handkerchief. We had chicken for dinner that day, and l of its blood found its way into my office. With the blood small brush I saturated the spots marked on the handker- , let it dry, laid it away, and awaited the time of trial.

t came at last, in the month of August. The jury was im- led, and the District Attorney opened the case. By the of the prisoner sat his mother and affianced bride. Ellen eally a very beautiful girl, and while the Commonwealth's sel was stating the facts he intended to prove, she looked he jury with such a startled, pleading expression in her dimmed eyes, that I thought to myself, Well, gentlemen, u can disregard that "item of evidence," you are made of rent material from any jury I ever selected.

he witnesses were called and the facts proven in substance have narrated, up to the identification of the handkerchief. n the District Attorney called the name of William W., I the blood rush to my heart in a way that almost silenced its ng. The crisis was at hand. I knew if I failed the young would be heart-broken, and I believed it would kill the old mother, whose heart was bound up in her idolized son. only this, but the defendant, as honest and worthy a young as there was in the country, would be branded as a felon, to prison, and ruined for life; and all this because the in- us license law had spread its poisonous influence over the village of S——, and tempted its young men to vice and e.

he witness, William W., came upon the stand with a super- us air, full of the importance of his position as principal ss against a defendant in a case that excited so much in- t in the county. I knew he was a deep-dyed villain at , whose loftiest thoughts and best acts were so mean and

low that the lowest and worse thoughts and acts of the prisoner at the bar had never yet descended to their level.

In my practice I have observed that there are two kinds of witnesses who appear in our courts. One class will tell a lie so adroitly that it will look just like the truth; the other will tell the truth so bunglingly that it will look just like a lie. Fortunately for my client, William belonged to the latter class, and when he tried to mix truth and falsehood together he made a most lamentable failure. The fact was that he had tried to become a suitor of Ellen, and moved now by jealous hatred toward his successful rival, I believed he would hesitate at nothing that would procure that rival's conviction.

The witness narrated the occurrence at the ball, the broken glasses and bleeding hand; and when the handkerchief was handed him he identified it without hesitation as the one he had taken from Henry's pocket and wrapped around his hand. When the Commonwealth had ended the examination-in-chief, the witness was handed over to me for cross-examination. I sat behind the counsel table. Close to me, on one side, sat the mother; on the other side Henry and Ellen, to whom I had given some instructions before the trial commenced.

The handkerchief lay upon the table. The one Ellen brought me was in a small roll in my lap under the table. I took the right handkerchief in my hand and proceeded with the cross-examination. My first object was to get William angry. In this I succeeded most completely; for when I proceeded to ask him about his store, and if it were not a place of nightly resort for canal thieves, gamblers, and canal-boat cooks, to say that he was angry conveys a very faint idea of his mental condition.

While our amiable interview had been proceeding, I dropped the right handkerchief in my lap, and picked up the wrong one and laid it upon the table in sight of the jury. The court, audience, and jury had become so interested in the "unpleasantness" between the witness and counsel that the mistake was not discovered. Henry took the right handkerchief and put it in his pocket. By this time the amiable William would have testified to anything that he deemed necessary to secure a verdict of guilty, and for the purpose of testing the recollection of the

witness, and to show the jury that he spoke more from malice than a careful regard for the truth, I took the handkerchief from the table, passed around in front, near to him, and asked the following questions as rapidly as the answers would permit:

Question. Did I understand you to say that you were positive that this handkerchief is the one you tied around the defendant's hand the night of the ball?

Answer. I don't know what you understood, but I said so.

Q. (still holding the handkerchief in my hand). What is there about this handkerchief that makes you so positive?

A. The spots of blood; and it is of white silk with raised flowers on it. I know it is the same one.

Q. Now, sir, did you not say to Mr. C. that, if necessary, you would swear to a lie to send Henry to the penitentiary?

A. (witness in a greater rage, if possible, than before). No, sir, I did not say so. It's a lie; I never said it.

Q. (handing the witness the handkerchief). Now take this handkerchief and show the jury any marks there are on it that make you so willing to swear to it, if you can, and tell the truth.

Witness took the handkerchief, opened it, and pointed out the blood spots to the jury, and said: "I know it is the handkerchief; I cannot be mistaken."

Q. You can't! Don't you sometimes make mistakes? or are you always right and never wrong?

A. You need not try to make me say anything else. I know this is the handkerchief.

Q. Now, sir, is not *this* the handkerchief? Henry (turning to the defendant), give me your handkerchief.

He took the right handkerchief out of his pocket and handed it to me. I took it, and, holding it out to the witness, asked, with all the severity of tone I could: "Now, sir, is not this the handkerchief?"

To say that the witness was astonished is mild. That he was confounded was certain. He took the handkerchief, looked at it, and, completely broken down, said he could not tell, but he believed the one he held in his hand was the one. This was the one Ellen had brought me.

This ended the cross-examination, and "the Commonwealth rested."

I opened the case for the defense. I don't know what I said, but I tried to do the subject justice.

I then called Ellen to the stand. She burst into a flood of tears, and for some time was unable to speak. Her relation to the defendant was well understood, and many eyes in the court-room were moist with manly tears.

The Judge, a most excellent old man, and a fine lawyer, spoke kindly to her, and as soon as she was able to proceed I commenced the examination. She narrated the occurrence at the ball, and when I handed her the handkerchief Henry had taken from his pocket before the jury and given to me, she identified it in the most positive manner; showed the love-knot on the corner that she had tied in the ball-room before the fight, and also stated that she knew it was his, for she hemmed it.

I now trembled for fear the District Attorney would ask her if she did not hem both handkerchiefs, and feared her answer would lead to a discovery I most certainly did not desire. I therefore immediately asked a question possibly not justified by the rules of evidence. The District Attorney objected, of course; I insisted; and soon, amid the smoke and noise of the legal battle, her answer was forgotten, as I hoped it would be.

The District Attorney commenced the cross-examination in a very harsh tone and manner, by asking the witness the nature of her relation to the prisoner. This was to show the jury the interest she felt, and to affect her credibility. At this she commenced to cry, and her tears and sobs were more eloquent than words. The jury looked at the "hard-hearted" attorney with an indignant expression, and I felt that the case was safe, particularly if Ellen would only continue to cry a little longer. This she did, until the counsel for the Commonwealth, fearing he might prejudice his case, told her she might retire. Oh! what a weight was off my mind!

I then called a score of witnesses to prove that the defendant had always sustained a most excellent reputation, and rested my case.

I commenced the argument for the defense; what I said I don't recollect. I spoke of the uncertainty of circumstantial

evidence, and that white silk handkerchiefs were common enough in the stores of the country; that when Henry cut his hand with the broken glass in the bar-room, it was a natural thought, from the circumstances, that led the witness, Mr. W., to wrap the handkerchief around the wounded hand. If the burglar, in entering the store, broke a pane of glass, if he had accidentally cut his hand, it would be most likely that the same thought, begotten by similar circumstances, would suggest to to him or his companion, if he had any, to wrap it up with his handkerchief. He was as likely to be the owner of a white silk one as the defendant. The rule of law was: that "*in circumstantial evidence, the inculpatory facts must not only be consistent with guilt, but absolutely incompatible with innocence.*" I said something about the mother and young girl, and the tender relations existing between her and the defendant; and when, in closing, I spoke of the hotel and its license to make drunkards of the rising generation, I think I made one man at least, with a good moral character, wish his reputation had been so bad that the court had refused his license. When I closed the case, I knew by the expressions on the faces of the jury that Henry was safe.

The District Attorney made an able argument; but when did either law or logic ever succeed against woman's tears? Says the proverb of the Talmud: "*Men should be careful lest they cause women to weep, for God counts their tears.*"

The Court charged the jury favorably; they retired, and in a few moments returned with a verdict of "Not guilty." It was received with every manifestation of approval; in fact, the court had to suspend business for a few moments, while Henry was receiving the congratulations of the people.

Yes, Henry was acquitted; and although it was accomplished as much by legerdemain as by law, and may not meet with the approval of every one, yet I have never regretted my acts in the case. Why should I? I had done nothing but procure the acquittal of an honest young man who was made insane by a man who had a license to do so, and while in that mental condition had committed a crime. But for the agencies of the law he would never thus have sinned; and if ever the Jesuitical doc-

trine was true, that "*sometimes the end justifies the means*," it was true in this case.

I am not much skilled in casuistry or ethics, but I am forcibly struck with the doctrine enunciated in the prayer of Brudder Brown at Johnny Booker's ball:

> "Rember, mahsr, min' dis now: de sinfulness ob sin
> Is 'pendin' 'pon de sperrit what we goes an' does it in."

And if the legal profession disapprove my course, and the general reader shall not approve it, yet I am satisfied to know that long after the trial I was remembered in the prayers of a Christian mother, and in petitions to Him on high from the pure lips of her whose betrothed I had saved from undeserved ignominy and shame.

I have practised law twenty long and weary years since the event above narrated, and have received some very satisfactory fees; but never have I felt the pleasure at the reward paid me that I did when, at parting with my clients, the poor old mother, who had been well-nigh heart-broken, took my hand in hers, and, while the tears streamed down her cheeks, said, "God bless you, Mr. R——; I will pray for you as long as I live. Henry is no criminal. He never would have done it but for the liquor he drank at that accursed hotel; and I almost pray that God's lightnings may strike it that it may ruin no more young men, and bring sorrow to no more mothers' hearts."*

But no, the lightnings did not strike it. It stood there for many years, like the Upas in the valley of death; licensed by law to ruin men, bring families to want—to make paupers and criminals, and bring poverty and sorrow to many households—until at last it was burned by the hand of an incendiary, and that hand the hand of a woman whose husband was made a drunkard at its bar; who was brought from affluence to absolute beggary by its influence; and who, made almost insane by her terrible wrongs, believed that retributive justice demanded its destruction. She was tried for the crime of arson. I defended

* In judging thy neighbor's acts, two things are to be considered: the motive and the end attained. If the motive be good and the end attained be justice without wrong, it does not matter by what means it was accomplished."—*Maxim of the Jesuits.*

the poor, half-crazy thing, and when the jury brought in a verdict of not guilty, she arose to her feet and said to them: "Thank you, gentlemen! I would not have done it, but it ruined my husband, and I was afraid it would ruin my two sons, who took to drinking at its bar. One of my boys came home drunk from there, and knocked his poor old mother down, and then God told me to set it on fire, and I did; and I praise the name of the Lord who helped me to do it. Thank you, gentlemen; thank you!"

CHAPTER VI.

TRUTH STRANGER THAN FICTION.

"His very judges wrung their hands with pity;
Their old hearts melted in them as he spoke,
And tears ran down upon their silver beards."
—*Rowe.*

"'Little by little,' the tempter said,
As a dark and cunning snare he spread
For the young and unwary feet;
'Little by little, and day by day,
I will tempt the careless soul away,
Until the ruin is complete.'"
—*Anonymous.*

THE sheriff of our county once called at my office and said to me, "I wish you would go to the jail and see a prisoner in cell No. 2, who has been committed for burglary. I do not believe he is guilty; he is a man of education and has undoubtedly seen better days, but is now a drunkard."

I asked what the evidence was against him.

He informed me that an extensive burglary and robbery had been committed, and the burglars had been traced to a low drinking house in the purlieus of vice in the city. The officers had broken into the house just as the thieves were dividing the booty; but they had all escaped through a back cellar-way, except this man, who was too drunk to do so.

I went to the cell, and saw there a middle-aged man seated on his cot, his head resting on his hands. There was an expression of heart-broken misery on his countenance that is never seen on the face of a hardened criminal. I told him I had been requested by the sheriff to call and see him, and asked him if I could render him any service.

He said I could not, that he did not want an attorney; had no money to pay one, and did not care what became of himself.

I soon discovered that he was a man of culture, that he was

not a common thief, and became interested in him. For some time he was very reticent, but said he was entirely innocent of the crime charged against him, yet the evidence was so strong he had no doubt that he would be convicted; he hoped he would be, so that he might the sooner get rid of the world and the curse which had followed him through life.

I left him for the time, yet I could not banish him from my mind. The expression of hopeless misery and deep-seated sorrow on his face haunted me all that day. Somehow I was impressed with the idea that he was really innocent, but that, broken down in health and fortune by the curse of strong drink, he desired to be imprisoned to be placed out of the reach of temptation.

A few days after, I was again called to the prison to see a man who had been committed for manslaughter, which had occurred in a drunken row at a political meeting. As I passed the cell of the prisoner who had so much interested me, I saw him standing at the window looking through the grating at the outside world smiling under the influence of a June morning.

I spoke to him. He turned, and, with the manner of a polished gentleman, thanked me for my former words of kindness and my offer to defend him. I seated myself in his cell, and by degrees led him to talk of himself and his former life. At last he gave me his confidence, and told me his history. He had inherited wealth from his ancestors, and with it, as is too often the case, habits of idleness and dissipation. He had been a "man about town," with money to spend freely, and no one to control or guide him. At the fashionable parties and gatherings, where the wine-cup circulated freely, he acquired a taste for strong drink, which increased with indulgence until it became almost irresistible. For a time he was able to conceal his weakness, or to confine the knowledge of it to the circle of his equally dissipated associates. "And here," he said, "my crime commenced—a crime deeper and more wicked than the one of which I am now accused. Yet the law knows no such crime, though none are blacker in the calendar of human iniquity. If a man perpetrates a fraud on his fellow in a business transaction, the law will interpose to right the wronged; but if a man, by fraud, wins the pure and innocent heart of a woman, she has

no redress, and the law does not punish the fraud. At one of the fashionable parties I attended I became acquainted with Agnes C., a beautiful orphan, who was on a visit to some friends in the city. Young, inexperienced, and lovely, she attracted my attention, won my love, and in a few weeks we were married. Our wedding was the event of the hour, for I was wealthy and she possessed marvellous beauty.

"We spent two years in Europe—a winter in Paris, that centre of European fashion and dissipation. By the time of our return I had become a confirmed drunkard and my wife almost heart-broken. My friends remonstrated with me in vain. I was chained to the rock like the victim on Mount Caucasus, and the vulture intemperance was tearing at my vitals. One cold, stormy night I came home from a drunken carousal reeling and maddened with drink. My poor wife, frightened and in tears, fled from me to another room. This enraged me. I followed her, and in my insane madness struck her a blow that felled her to the floor. I then dragged her to the door, and threw her out into the street in the snow and storm, and went to my bed to sleep the sleep of the drunkard. In the morning I awoke late, and missed her from my side. For some time I was so confused that I could recollect nothing, but soon I remembered all. I hastened to the door. The steps were covered with new-fallen snow, but I could see no track or find any trace of her. She was lost to me forever. Now thoroughly sobered by the [illegible] I loved, yes, worshipped my beautiful wife, [illegible] to recover her. A police- [illegible] I passed from [illegible] I also passed, [illegible] cloak, threw it [illegible]

[illegible] for any [illegible] forget- [illegible] rock- [illegible] me-

fame that poison the atmosphere of your city; we entered a room where there were a number of persons of both sexes, and there, on the lap of a drunken ruffian, sat my wife, while he with his polluted hand was toying with the ringlets of her hair, and I saw him press his drunken lips to that cheek that once I had not permitted even the summer wind to kiss too rudely. Yes, there was my wife, the proprietress of that temple of sin, its owner and chief attraction. For a moment I looked at the ruin I had wrought, then fled to the street and the nearest rum-shop, and remember nothing more till I was in the hands of the officers, accused of a crime of whose commission I was entirely ignorant. Do you think it is in the power of your laws to increase the punishment of a conscience guilty as mine, or to increase the fires of hell that burn in my bosom? No, let it come. Let me hide myself in prison from the sight of my fellow-men; and if I die, let them throw my body to the dogs in the street. I deserve all, and far more than your laws can inflict."

I left him in a frenzy of remorse and mental agony such as I never wish to see again. The trial came on. My client was brought into court, and when arraigned and asked the usual question, if he was guilty or not guilty, refused to answer, "*standing mute*," in the technical language of the law. The court ordered a plea of not guilty to be entered for him and the trial to proceed.

No direct evidence was produced against him, and the only thing proven that implicated him was his presence in the room with the burglars and their booty, and that a cloak thrown over him in his drunken sleep was identified by the man whose house had been robbed.

I made every effort I could to save him, but in vain. I examined the indictment closely, and although an old common-law pleader would have found in it abundant reasons to "*quash*" or to "*move the court in arrest of judgment*," and possibly could have ignored all the time-honored rules of criminal procedure, and it was sufficient.

[illegible] of the defendant in refusing to plead when arraigned, and the surrounding circumstances were deemed con-

clusive proof by the jury, and they soon returned with a verdict of guilty.

He heard the verdict with the stoicism and indifference which despair alone can give, and at the close of the term he, with other prisoners, was brought into court for sentence. When asked by the Judge if he had anything to say why the sentence of the law should not be pronounced upon him he calmly arose and said :

"I have a few words to say to your Honor; not to ask for mercy, not in hopes of any mitigation of my sentence; for although I am innocent of the crime of which I am convicted, yet I deserve all the punishment the law prescribes, and infinitely more. This man by my side, who has been convicted of killing a fellow-being, is not so guilty as I am, and if justice is meted out here as it should be, you will take years from his punishment and add them to mine. No sentence this court can pronounce will be undeserved by me—no penalty the law can inflict can add anything to what I now suffer. You have convicted me of robbing a man of his property. Oh, most venial offense ! What is that accusation to one who has brought utter and irretrievable ruin on the being he most loved on earth, who by his acts has robbed a human soul of its purity and innocence, and heaven of one of its angels ?"

He dropped into his chair, and with his head bowed on his hands, seemed convulsed with remorse and grief—

> "While every sob—so mute were all—
> Was heard distinctly through the hall.
>
> . . . . . .
>
> And eyes that mock'd at tears before
> With bitter drops were running o'er."

The Court was much affected at the scene, and even the old "hard-headed" lawyers in the bar, who for years had not shed a tear (unless paid for it) looked on with sympathetic features and moistened eyes.

The Judge, a kind-hearted old man, struck by the language and manner of the prisoner, told him he would suspend the sentence in his case for a few days, and remanded him to prison.

That evening his Honor called at my office to make inquiries about the prisoner. I told him his story, and assured him of my belief in his innocence of the crime of which he was convicted. The Court finally sentenced him to two years' imprisonment in the Western Penitentiary. He seemed disappointed at this, and even censured me for my interference in his behalf.

About a year after the trial, a keeper of a *bagnio*, a very beautiful woman, was sent from our police court to the workhouse for one year.

Time passed on, and other scenes of crime and sorrow had almost obliterated from my memory the events narrated. The sheriff had moved West a year after the trial, and I had almost forgotten my interesting client and his sorrowful story; or if I remembered him at all, it was but as one of the many hundreds of victims of rum who had told me the tale of their ruin. Ten years had gone by, when one day I received the following letter from Sheriff K.:

KANSAS, July 10, 1870.

"FRIEND RICHMOND: I have a story to tell that will interest you. You remember your old client S., the man you defended at my request for burglary, who refused to plead in court, and who made a speech to the Judge before being sentenced that made even *you* cry. Well, last week I had some business at the little town of R., in Western Kansas. I left the railroad station early in the morning, and with a horse and buggy I started across the prairie to the village where my business called me. The country is sparsely settled. A few miles from the railroad station, I came to a beautiful little cottage, nestled in a clump of trees. It was a very gem of architectural beauty and taste. A few cultivated fields enclosed by a hedge added to the beauty of its surroundings. As I passed along I saw a man and woman among the shrubbery, while two little children were playing on the grass by their side. I stopped for a moment to inquire the distance to R., when the man stepped forward, and in tones that seemed the echoes of past memories, gave the desired information. For a moment we conversed together, when he asked me if my name was not K., and if I had not once been sheriff of C—— county, Pa. I answered that I was the man—when he came forward, grasped my hand with the fervor of an old friend, and your old client stood before me. He introduced me to his wife, a fine-looking matron, and invited me to stop, in a manner not to be resisted. I staid with them a few hours and learned the sequel of the tale he told me when I was taking him to prison. You are familiar with it. He served his

time and left the prison the same day his wife's term had expired in the work-house. They met by accident in the street, 'and,' said he, 'she had more to forgive than I had; we came here unknown, and here with the remnant of my fortune I built this home. Most of the work on the cottage was done by my own hands, and we are happy. I have not tasted intoxicating liquor since the night of the burglary. God has forgiven us both our sins, and we have forgiven each other.'

"Now is not truth stranger than fiction?

"Your old friend,

"S. G. K."

CHAPTER VII.

THE TEMPERANCE LECTURER WHO HAD ONCE BEEN A TEMPERATE DRINKER.

"Fly drunkenness, whose vile incontinence
Takes away both the reason and the sense,
Till with Circean cups thy mind possest
Leaves to be man, and wholly turns to beast."

—*Thomas Randolph.*

"And sorrow and repentance and despair
Among them walked, and to their thirsty lips
Presented frequent cups of burning gall."

—*Pollock.*

In ancient times, both the members of the bar and the clergy were much given to strong drink. In fact, every one drank liquor more or less. It was the custom of the early settlers of this country to keep a bottle of whiskey on a shelf or the bureau in the family sitting-room, and when a neighbor called he would take down the bottle and glass and take a drink with as much freedom and nonchalance as one would now take a drink of water.

In the days of my childhood, in southern Indiana, my father's house was the home of the traveling Methodist preachers who "rode the circuit" in that new country; and often have I seen them come into our house, and without waiting to remove cloak or wrapper, walk to the bureau, and from a bottle of whiskey or peach brandy, always kept there, take a drink that, for size and the evident relish with which it was imbibed, would shame a modern toper.

"*Drink no longer water, but use a little wine for the stomach's sake,*" was a passage of Scripture most familiar, and often have I heard it drop from ministerial lips over the social evening glass which enlivened the moral doctrines and theologi-

cal questions of the hour. No one thought it wrong to drink, even to the verge of excess. And many an eloquent sermon of that day owed its fervor and inspiration as much to the spirit of the wine cup as to that of Divine grace.

I well remember when, in my childhood, I heard that a temperance lecturer was in our village, and was to lecture that evening, how the good and sober people were excited, and how they wondered what he would have to say. And as the lecturer himself walked the streets on his way to the hall where the meeting was to be held, he attracted as much attention, and was as much an object of curiosity, as the first white missionaries were to the Fiji Islanders. I well remember the indignation created by his first lecture. He was an eloquent speaker, and portrayed the evils of intemperance in vivid colors and in words never to be forgotten. He hurled the anathemas of the Scriptures against drunkenness and strong drink; at the ministry, who, by their example as temperate drinkers, themselves led their flocks into temptation and vice; and when he produced a temperance pledge, the first I ever saw, and with earnest, thrilling words asked his congregation to come and sign it, the preacher of the circuit arose, and in no amiable tones warned the people to beware of the "fanaticism of the hour," as he expressed it. He told his hearers that liquor was one of the good gifts of a kind Providence, to be enjoyed but not abused; that there was no harm in moderate drinking—it was drunkenness that God condemned; and he quoted the passage from Timothy, so often heard even to-day, as Scriptural proof that there is no evil in temperate drinking. He sat down amid a murmur of approbation. The lecturer arose, pale as the face of the dead. For a moment he looked over his audience. Then, in clear and startling tones, he said: "No harm in temperate drinking! It is the egg that hatches into a scorpion. It is the summer's wind gathering into a tornado. It is the handful of snow that, shaken by the wind from the mountain top, rolls down its side, increasing as it rolls, until at last it is the avalanche that overwhelms the village in the plains! It is the germ of crime and death that is scattered over the land as the sower scattereth the seed! Yes, it is the fiends of hell clothed in angels' garbs, tempting man on earth to the destruc-

tion of both soul and body. I was once a temperate drinker, encouraged by just such teachings as have here fallen from the lips of this minister of our holy religion, this shepherd whose duty it is to guard from the wolf the flock his Master has given him. Yes, I was a temperate drinker until I could no longer resist the terrible appetite that is the offspring of temperate drinking alone; my business was neglected and ruined; my wealth spent in drunken idleness and debauchery; my only child, through my neglect, starved to death in a garret, from which my sick and angel wife was taken to die in a hospital—and I was the cause of their death!"

Then, raising his hands in supplication above his head, he continued, in a voice of agonizing prayer: "Oh, Heavenly Father! thou knowest my sin; thou knowest its cause and my repentance; and thou hast this night heard one of thy ministers quote thy revered word to encourage men in that course which made me an outcast from my home and friends, and the murderer of my wife and child. Close, I pray thee, the ears of this people against the false teachings of thy misguided servant, and open their eyes that they may see the terrible, the inevitable curse that follows strong drink. And as thou didst once make the blind to see, touch, I pray thee, with thy Divine finger, the sealed eyelids of this shepherd of thy flock that he may see the danger that threatens the charge thou hast given him to keep. May he never sin as I have sinned, never suffer as I have suffered: but in mercy to him and his fellow-men, I pray thee show him the deep, dark, damning influence of the words he has uttered this night."

The speaker sat down, apparently overcome with his feelings. For a moment all was still as the chamber of death, when the minister arose, walked slowly forward, and signed the pledge. Then, dropping on his knees, he uttered such a prayer as can only be made when Heaven's inspiration speaks through human lips. The effect was electrical. The whole audience, as if moved by one impulse, rushed forward to sign the pledge.

Thirty years after that, the minister visited my father's house, then in western Pennsylvania, and speaking of the incident, he said: "*I had preached the gospel for ten years, and yet I believe I was never more than half converted before that night*, and I have never touched liquor since."

CHAPTER VIII.

THE LOGIC OF THE LAW BOTHERS A JUROR.

"The nicest eye could no distinction make
Where lay the advantage, or what side to take."
—*Dryden.*

"He could distinguish and divide
A hair 'twixt south and southwest side;
On either which he would dispute,
Confute, change hands, and still confute."
—*Hudibras.*

"GENTLEMEN OF THE JURY—The defendant stands indicted for the offense of selling intoxicating liquor to men of intemperate habits. He is indicted under an Act of Assembly which makes the selling or giving intoxicating liquor to a man of known intemperate habits, by a hotel keeper, a misdemeanor, punishable by fine and imprisonment. This, gentlemen, is a very salutary law, and is, as it was intended by the Legislature, a great protection to the morals of society. It prevents drunkenness and consequent crime, and its provisions should be rigidly enforced, and those who violate it should be punished.

"The defendant has a license from this court to sell liquor to men who are not of intemperate habits, but this license does not permit him to sell to a man who has become an intemperate man. Therefore, if you find from the evidence that John P. was a man of known intemperate habits, and that the defendant either sold or gave him intoxicating liquor, your verdict should be 'guilty.'

"You have probably observed, gentlemen, that a great proportion of the cases that have come before the court this week have originated from drunkenness alone. It is safe to say that this vice of drinking intoxicating liquor to excess costs this county more annually than all the other vices punished by our

criminal code. Crime is the legitimate offspring of intemperance, and therefore it is the policy of our law to prevent it, as far as it is possible so to do."

This was the charge of the Court in a recent case in which I was counsel. As the jury were about to retire, one of their number stated that he wished to ask the Court a question. His Honor told him to do so, whereupon the following dialogue took place between the judge and juror, as it appears from the stenographer's notes:

Juror. The evidence shows that five years ago, before the defendant obtained his license to sell liquor, John P. was a temperate and industrious man, and that for that length of time he has been in the habit of purchasing his liquor of the defendant?

Judge. Yes, so it appears from the evidence.

Juror. Then five years ago the defendant obtained a license from this court to commence to make John a drunkard?

Judge (a little nonplussed). He had a license to sell him liquor as long as he was a temperate man.

Juror. At what time during the five years did the defendant's right to sell him liquor cease?

Judge. As soon as he became a man of known intemperate habits.

Juror. When does a man become a man of known intemperate habits?

Judge. As soon as his habits of intemperance are known to the people.

Juror. Then if John would get his liquor of the defendant and take it home and get drunk by himself, and no one see him, it would not be wrong for the defendant to sell him liquor.

Judge (evidently getting uneasy). The defendant would not in that case have violated the law.

Juror. Then it is not because it is wrong for the defendant to sell John liquor that he is indicted, but because the effect of the liquor on John becomes known to the public?

Judge. Yes, somewhat so; that is, as soon as it became known to the public that John got drunk the defendant had no right to sell him any more.

Juror. Then it is not a crime to make drunkards as long as the people don't find it out, but as soon as it is found out, then

the man that makes the drunkard must quit—just as a man may steal my property, and it's all right so long as nobody knows it but the thief?

Judge. We must take the law as we find it, and see that it is executed as best we can.

Juror. Yes, I s'pose so, but I don't understand it. The defendant has a right by law to commence to make John a drunkard, and as soon as he finds out that his wicked job is done, then he must stop. What bothers me is this: I don't see how the defendant is to know *for sure* when the part of the work he has a right to do in law is done and he must stop. That is, I don't see how the defendant is to know how near ruin he may bring his neighbor before he must quit him, and let him go the rest of the road alone.

The Judge told the jury that was a *conundrum* the Pennsylvania Legislature alone could answer.

The jury retired. The members of the bar smiled; the Judge looked grave, and as if he thought the juror had the best of it "by a large majority." And here it was apparent that the mind of the honest juror was trying its best to reconcile the manifest incongruity of the law that licensed the sale of liquor to those that don't want it, but as soon as the taste is formed, and they do want it, prevents their obtaining it by purchase or gift. Does not the law here recognize the inevitable end? Does it not seem to contemplate that the result of the licensed privilege to sell liquor is ruin to those who drink? Does not the law here look deep down into the damning bowl, and see that, while maddening pleasure may sparkle on its brim, yet in the bottom are the bitter dregs of sin and crime; and that, while it presents the brimming cup to the lips of the citizen, it vainly seeks to prevent those lips from tasting the bitterness of death at its bottom?

The license law permits the establishment of public bars all over the land, in which the taste is formed and nourished to a point where the poor inebriate cannot resist its terrible demands. Then says the law: "'*So far shalt thou go and no farther.*' You shall not complete the ruin you have begun. You have undermined the foundation of the noblest temple that God himself ever erected. You have debauched the long-

mgs of a human soul, debased the image of the Creator. So far you had a license to go, but no farther. You may make drunkards by law; you may plant the seed of that fatal appetite; you may encourage its growth until its victim by its influence is on the verge of a drunkard's life—then and not till then shall your hand be stayed." When that time comes—when the law tries to prevent the gratification of the taste it has formed, to deny the demands it has created—it has a hopeless task indeed.

John was an industrious, temperate man until the law licensed the temptation that ruined him. Long before it was publicly known, the evil had begun, and yet the law had not been disobeyed. The injury to him permitted by law had been done. The evil germ planted by license had germinated, and was in vigorous growth, but because it was only felt by the victim, and was unseen by the public, the law had not been violated. And yet "Salus populi suprema est lex" ("*The welfare of the people is the supreme law*"), says the time-honored legal maxim.

At a recent term of court, A. B., a hotel-keeper, was indicted for the offense of selling liquor to Eli S., minor son of W. S. Eli, a boyish-looking young man from an extremely rural district in the county, was put upon the witness-stand. He testified that on his twenty-first birth-day he thought he would celebrate his independence of the maternal government. To accomplish this laudable and filial design, he repaired to a country village inn, and there treated some friends to the drinks. He had been accustomed to attend the Fourth of July celebrations, and had observed that the severance of our allegiance to the mother-country was generally thus commemorated by the ancient fathers of our republic, on "the day we celebrate," and his incipient patriotism prompted him to imitate the great event in our nation's history by celebrating in a similar manner his freedom from maternal thraldom.

The township constable, not being included in the "treat," and being deceived by Eli's youthful appearance, thought it his duty to return the hotel-keeper for a violation of the statute "in such cases made and provided," and thus the majesty of the law was invoked to punish the offender. What has he done?

Hear the words of the Commonwealth's counsel in opening the case:

"GENTLEMEN OF THE JURY—The defendant is indicted for a very grave offense, that of selling intoxicating liquor to a minor, and if guilty in the manner and form that he stands indicted, he certainly deserves the punishment that the law prescribes. It is the object of our law to guard and protect the citizens of the Commonwealth from the vice of drunkenness and the evils and immorality incident thereto. The law seeks particularly to guard the young and inexperienced from all temptation and provocatives to crime. Full well do our lawmakers know that.

> "The pebble in the streamlet scant
> Has changed the course of many a river;
> The dew-drop on the baby plant
> Has warped the giant oak forever."

"It is to the interest of the country that the young and rising generation should grow up to be sober men and women, and for this reason the Legislature has enacted very stringent laws against the sale or gift of intoxicating liquors to minors. If, therefore, the Commonwealth satisfies you that Eli was not twenty-one years of age when he purchased the liquor, then the defendant is guilty, and you should so find by your verdict."

It now became a question whether Eli was or was not twenty-one. If he became of age the day before his twenty-first birthday, then the defendant escaped guilt by a period of a few hours, and had violated no law. It is true the act was the same, but the defendant had a legal right to commence to make Eli a drunkard on that day, which right did not exist the day before. The evidence was admitted. The old family Bible was produced to prove by its record that the day on which the drinks were sold to Eli was the twenty-first anniversary of the day of his birth, and that therefore he was not a minor. The question was gravely discussed by counsel learned in the law, the old sheepskin-covered Bible was cited, and I thought as I searched among its sacred pages that it blushed for very shame at the part it played in the miserable farce then being enacted in a temple dedicated to Justice; and as I read the record of

Eli's birth, I fancied I could hear the good old book whisper in my ear, "*The letter of the law killeth, but the spirit giveth life.*" I said nothing about its whispers, but continued the argument. The Court charged the law as I requested, and the jury returned a verdict of not guilty, for Eli had been of age nearly fifteen hours when the defendant sold him the drink. The verdict was "Not Guilty," the jury not leaving the box, and the defendant left the court-room without even the smell of fire on his garments. What a farce was here enacted in the name of Justice? An image of the respected old lady was painted on the wall over the jury box, and I only hoped she was deaf as well as blind.

The defendant was not guilty. So said the law in its wisdom and justice, and the jury had but obeyed its mandates. Had the liquor been sold to Eli the day before, then would the defendant have been guilty; then would he have deserved fine and imprisonment. Naught else would have satisfied the offended majesty of the law.

Yet the poison was in the cup. The lurking fiend was there, but Eli had fifteen hours more of worldly experience to help him to shun the temptation incident to the wine cup; yes, he had all this greater experience to guide him on his pathway through life. It is true that the most of that time was spent in sleep, yet as yesterday he was a minor and to-day he is a major, that which was a crime yesterday is no offense to-day.

"The law," says an old writer, "is the perfection of human wisdom." Who could doubt it? Yes, there is wisdom; as Captain Cuttle would say, "solid chunks of wisdom!" Verily, one would think that the heads of the legislators who enacted such a law had passed through the same mutations that so improved the judgment of Captain Bunsby, the commander of the "*Cautious Clara.*"

CHAPTER IX.

A JUDICIAL MURDER—A LICENSED GROG-SELLER AN ACCESSORY.

"The maddening shout of a wassail throng
Was heard from the tavern hall;
For the revel wax'd high, and the wine was strong,
And they drank to their own downfall;
And the frenzied brain and the flashing eye,
Gave the signal of doom that a demon was nigh.

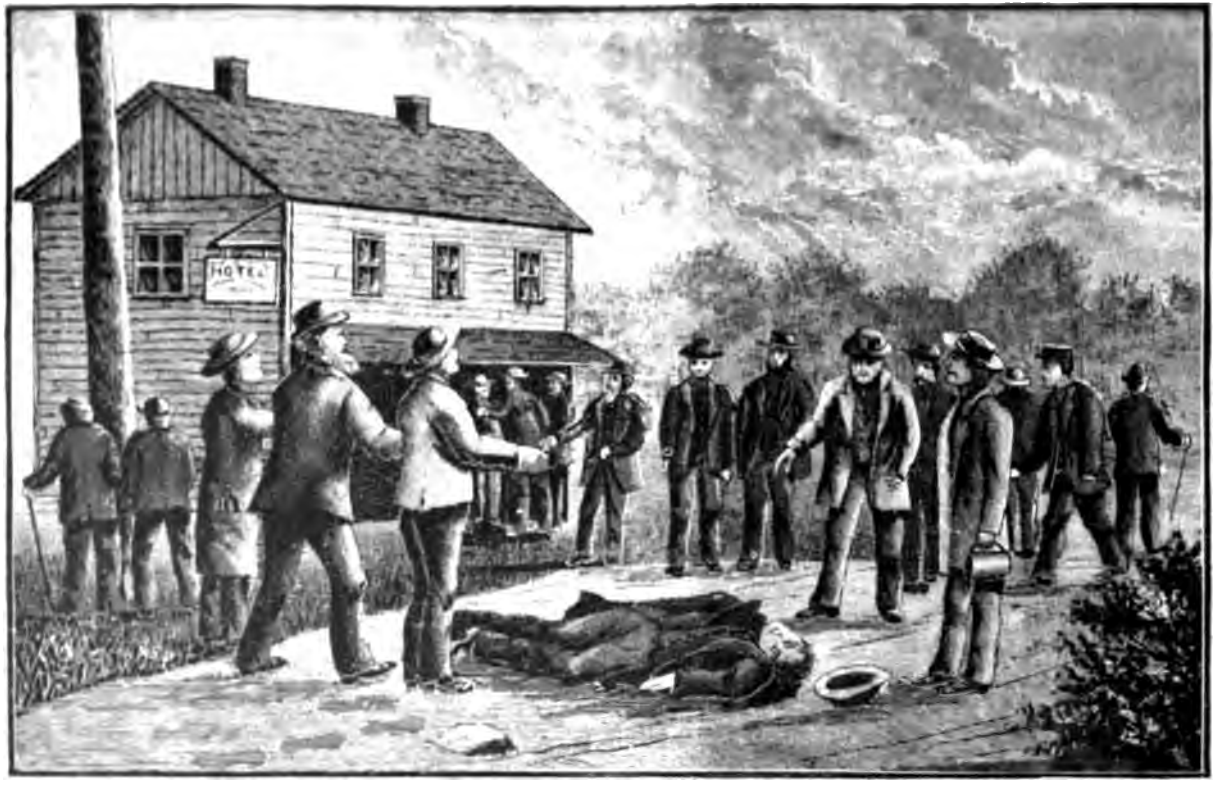
"But loud and more loud the revelry grew,
And the fire of madness blazed—
And the furies the torch of discord threw,
And the brain of the shouter was crazed.
All wildly they rushed from the banqueting hall
To the combat of anger, to fight and to fall."

—*Lal'a.*

THERE had been an election, and as an old philosopher in Shakespeare discovered over three hundred years ago, "*That when two men rode of a horse, one must ride behind,*" so it transpired, that when the votes were counted, only one of the candidates was elected, and of course he was in the saddle, and the other on the pad.

Both candidates had their friends, but it was evident that one had more than the other. When this unusual fact was ascertained, the usual result followed; the friends of the successful candidate met together on an appointed night, at a hotel in the enterprising little town of H——, in our county, "to jollify and be glad." The hotel was one of those great beneficial establishments of which our glorious old Commonwealth possesses so many, which enjoyed the local monopoly of the whiskey trade, with the inalienable right to make drunkards *ad libitum*, and to be the scene of the usual amount of rowdyism, debauchery, and vice.

The proprietor, a man "of good moral character" (a fact


HOTEL



not apparent except by reference to the certificate filed in his applications for a license), was also an ambitious man; and as other hotels in the county had been brought into public notice by a murder or two, he of course felt a pardonable spirit of emulation, and an ambition to be equal to his neighbors. Why should he not? His liquor was as new, was as rich in fusel oil, as any that patent yeast and swift distillation could manufacture by the latest and most improved devices. Nearly all his barrels showed the "compounder's stamp," or brand of infamy, in proof of the capability of his liquor to make even friends cut each other's throats on the slightest provocation.

It was a cold November night; without was snow, sleet, mud, and slush; within all was warm and cheerful, illuminated with kerosene, and redolent with the perfumes of liquid sin and crime. Behind the bar was seen the rubicund face of the landlord, with a strong *central illumination* that clearly corroborated the aforementioned certificate in its assertion of his "temperate habits." All was ready for the coming event, and, as guest after guest arrived, they were met at the door by the "proprietor," while an expression that said

"Will you step into my parlor?"
Said the spider to the fly,

was written on the face of the useful citizen as plainly as human words and depraved appetite could write it.

The pride of our country—her sober and industrious yeomanry—collected there to a number of score. Liquor flowed liberally from the barrels marked "infamous" by the compounder's stamp. The pure and virgin juice of the golden corn, unregulated, lacked the enlivening qualities found alone in the rectifier's (?) brand. Speeches were made, songs were sung, oaths were uttered with more than usual volubility, vileness, and profanity. The vile passions usually dormant were aroused by the infernal spirits that were sold at the bar, and angry words gave provocation for blows, and the whole party rushed into the street in a free fight, with yells as of

"All the fiends from Heaven that fell
Had pealed the banner cry of Hell."

What a glorious institution is a licensed hotel, or, such a

night, and with such a gathering as this! How clearly and positively is its necessity made manifest! How necessary to the comfort of the weary traveler and peripatetic public! Why, a licensed hotel is to-day as much a badge of civilization and enlightenment as was the scaffold to the mariner, who, being shipwrecked on what appeared to be a savage and barbarous coast, was much relieved when he saw a gallows looming up in the distance. "Ah!" he remarked, "now I believe I am in a Christian country;" and could he have next seen its twin brother, the licensed grog-shop, the evidence would have been conclusive. He would have then known for a certainty that he was under the protection of the "banner of the cross," and not the "crescent"—that modern Christian enlightenment shed its benign rays over the country; for the grog-shop is not known among the savages—and is not tolerated among Mohammedans, Buddhists, or any of the half-civilized nations of the earth.

But while we have wandered from our subject the fight has been going on with a ferocity which shows the participants to be more like demons than men, until at last a man is down under the feet of the howling mob. They have murdered one of their number. The cry of "Murder!" from the lips of the dying victim in a moment causes a hush in the crowd, like the silence of death. Yes, that drunken, infuriated mob stands awe-struck in the presence of that dread spirit their orgies had invoked! The body of the murdered man was carried into the hotel. "He is unconscious," is whispered in the crowd. "He is dying! He is dead!!" The drunken bacchanals, half sobered and terror-stricken at the dread presence, stand for a moment with looks of mute inquiry. When at last the question was asked from pale and trembling lips, "Who struck that blow?" all, self-accused and conscience-stricken, all, knowing they had struck some one in the melee, were silent lest attention should be directed to them, and they be accused of the murder.

There was no more noise or revelry there that night; but each actor in the infernal drama drew away toward his home, haunted by the terrible though unseen form of retributive justice.

In the morning inquiry was set on foot, an inquest held, witnesses called, and at last suspicion was directed toward Jacob

H., who was seen in the crowd with the bit of a new axe in his hand, and it was supposed that he struck the blow. Then, again, the proprietor of the hotel was seen to take a leaden weight from a string attached to the bar-room door, and used to close it, and with it in his hand go into the crowd while the fight was going on. Both were suspected, but at last the evidence seemed to point most directly toward Jacob, and he was committed to jail for trial.

My brother and myself were employed to defend him. He protested in the most positive manner that he was innocent, that he did not strike a blow that night, and was only in the melee as a curious spectator who wanted to see the fight. He was a respectable farmer with a small property, and was considered an honest and industrious man by all who knew him, although given too much to drink on every convenient opportunity.

The trial came on at the February term, 18—. A post-mortem examination of the body of the deceased showed that the right parietal bone of the skull had been fractured, causing death. That portion of the skull was produced in court, and was remarkable for its thinness—it being no thicker than pasteboard—and I thought at the time that it could have been broken by a blow given by a strong man with the naked fist.

One of the physicians who assisted at the post-mortem examination testified that he thought the blow was inflicted with a stone from the street, as he saw mud around the wound; it did not look as if made by the back of an axe, which would have sharp corners, but more as if made by a blunt, dull weapon that was muddy. If the proprietor had dropped the leaden weight in the street and picked it up again, it would have been just the weapon described by the physician as the one with which the injury was most likely perpetrated.

The trial occupied the court for a number of days, and the Commonwealth called three witnesses, two men and a boy, who testified that they saw the defendant strike the deceased a blow on his head with the axe. The wound, however, did not indicate that it was or could have been inflicted with that kind of an instrument. I sincerely believed the defendant to be innocent, but feared a conviction. The trial continued until Satur-

day night, when the court adjourned until Monday for the argument of counsel. The jury was given in charge of two constables, with positive instructions not to let them separate or hold any communication with any one, until they had rendered their verdict. They were instructed, however, that they might take the jury out for a walk on Sunday afternoon if they wished, but to see that no one spoke to them.

I expected this, and employed a man to watch them while out walking, to see if they held any conversation with any one, and if so to report to the defendant's counsel immediately.

Sunday afternoon, accompanied by the two tip-staves, the jury started on a walk toward the gas-works, then being constructed. Our watchman, suspecting their destination, was there before them, and soon saw them separated and in different parts of the works. He had a conversation with two of them in the absence of others about the works, but said nothing about the trial. He came immediately to us with the information, and we were satisfied our client was safe, no matter what the verdict might be—for the law that allows men to be tempted by whiskey to commit the crime of murder will not permit a jury in a capital case to be placed in such a position that they might be tempted or influenced in their verdict, even if they are not. This to my readers may appear like "straining at a gnat, and swallowing a camel," but let us remember that "the law is the perfection of human reason," and proceed.

The trial was concluded; we thought we had done all that could be done, yet we had to inform our client that the case was hopeless, that he would be convicted. He was a man of iron nerve, and received the information coolly, remarking that he was innocent, but that his life had been "sworn away" by the three witnesses who testified that they saw him strike the blow. After a few hours' absence the jury returned with their verdict. As they passed to their jury box, I observed that they did not look at the prisoner—a sure indication that their verdict was "Guilty." Had it been "Not Guilty," every juror would have looked at the defendant as he passed by.

We polled the jury, and as their names were called, one after another, they answered "Guilty."

We immediately moved the Court to set aside the verdict and grant a new trial for the following reason, to-wit:

"*The jury were not kept together after the prisoner was committed to their charge, and until the rendition of their verdict.*"

The motion was argued before Judge D., one of the ablest judges in our State, and his opinion we copy from the records, to show how exceedingly careful the law is of the rights of the citizen, in the trial of a cause, after it has tempted him by legalized agents to crime; just to show how very small was the *gnat* compared with the *camel*. The opinion is sound law, and may be of interest to the general reader, who will undoubtedly wonder why the law is so careful in the trial of a cause, and so reckless in granting licenses to sell the source of crime:

OPINION OF THE COURT.

"From the moment the jurors were sworn, till their verdict was rendered in court, they had the prisoner in their charge. True, he was in actual confinement—except when in court as the trial progressed—while they were in the keeping of two sworn attendants, to forbid separation and conversation with them by third persons. Nor is this a mere matter of form, any more than that which requires that before the sentence of death is passed upon the culprit, it shall distinctly appear upon the record that he was asked if he had anything to say why sentence should not be pronounced upon him.

"The great object of the law is to afford to every accused a fair and impartial trial, and as the offense ascends in grade and in magnitude, the more jealous does the law become in the exaction of its rules; for while it is prompt in its inflictions of merited punishment, it is, nevertheless, watchful of the life and liberty of the citizen, and will not tolerate the forfeiture of either, except in the manner which it prescribes.

"One of the things which the law, in capital cases, requires of the jury is, that they shall not separate, nor hold intercourse with others during the progress of their deliberations. The prisoner knows this, and is entitled to its observance. A departure from it but weakens his confidence in the law, and in

those who are set to be its sentinels—while the silent spectator considers that the forms which invest their procedures are but pageantry and empty sounds. In the case of Pieffer (3 Harris, 471), charged and convicted of the murder of his wife, the jurors were allowed by the Court and the defendant's counsel to separate and return home for a period of time before hearing the testimony; but there is no allegation that they held conversation with any one during this time, and yet it was held to be such error as vitiated the verdict of guilty.

"The rule of law was infringed upon in that case, and so it has been in the present one, though in a less prominent degree. But courts are not to measure the difference in degree of violation; they are, in the first instance, to see that nothing of the kind occurs, but when it does occur, to correct it, that the victim may not be unduly sacrificed. In the present instance there are two prominent acts complained of, which the Court considers were in violation of the prisoner's rights. The jury, or some of its members, were in conversation with an individual while passing along the street in a very scattered manner, for the distance of one hundred and seventy-five feet; and they were, on another occasion, taken by their attendants to the gas works, for the purposes, doubtless, of curiosity, and while there, some were about the tanks outside, and others in the building.

"Nothing wrong may have occurred in either of these matters, nor a word been said by any one in relation to the trial in progress, but the wrong consisted in the violation of the rule of law, and if permitted in this case, it would serve as a precedent in all future cases, and thus work the destruction of the rule itself. How far a result like that would contribute to the meting out of exact justice, when a penniless vagabond or a wealthy but daring offender were interested requires no large share of sagacity to foresee. Our best duty consists in preserving the laws—especially those which exact the life and liberty of a citizen as a penalty—in their wholesome integrity; and believing that it will be done in the present instance by granting the prisoner a new trial, the rule for that purpose is made absolute.

D. D., LAW JUDGE."

The motion for a new trial was granted. One evening, in the month of March, I was detained in my office to an unusually late hour, when my door was opened, and a man unknown to me entered, and, turning the key in the lock of the door, walked to the fire and sat down. He appeared so unusual, and acted so strangely, that at first I was somewhat alarmed; but I remembered the old Persian proverb, "*The poor man smileth in the presence of the robber,*" and I was comforted, and smiled. I asked him what I could do for him. He deliberately put his hand into the breast pocket of his coat, and drew out—not a revolver, but his pocket-book—opened it and deliberately took therefrom a twenty-dollar bill and handed it to me. If he was mad, I saw at once there was "method in his madness." I pocketed the fee, and awaited further developments.

He asked me if I thought we would be able to procure the acquittal of Jacob H. I told him I hoped so, but it was doubtful. Said he, "You must clear him—he is not guilty, and I know it!" I asked him how he knew it. "Because," said he, "I killed the man myself, and I will not permit an innocent man to be hung for my crime—if I committed a crime, which God knows I did not intend to do." On further inquiry on my part, he made the following statement:

"Ezekiel B., the man who was killed, was my most intimate friend. The evening of his death we stopped at the hotel. The proprietor invited us to take a drink. Ezekiel drank, but I did not. After supper we remained a short time, and when the crowd began to gather we concluded we would remain during the evening and see the fun. He drank several times, and I, finding he was becoming intoxicated, persuaded him to go away with me. I took his arm and we started down street. We had gone about twenty feet, when some man in the crowd called him an insulting and opprobrious name, and dared him to come back and fight. I held on to his arm and tried to get him away, when he turned and struck me a blow that knocked me down, and started back toward the crowd. I raised on my knees, and in a fit of sudden anger picked up a stone from the street and threw it at him. By the light that shone through the bar-room window, I saw the stone strike him on the side of his head; I heard the blow, and saw him raise his arms above

his head and fall to the ground. He was immediately surrounded by a number of drunken men, and I went into a neighboring store. A short time after a man came in and informed me of his death.

"I did not intend to injure him, but, suffering from his brutal blow, in sudden anger I did an act which I shall regret all my life; but I will not let an innocent man suffer for it."

We had a subsequent consultation. He was instructed how to act, and we awaited the coming trial with anxiety.

At the April term of court the case came up again for trial. Jacob complained of feeling unwell when the cause commenced, and during the trial he was taken sick and was confined to his bed at the hotel. The anxiety was killing him. We consented to go on with the trial in his absence, letting it appear on the court record that he was present. In the defense we called the witness who paid me the visit, and after a few preliminary questions, my brother asked him the following:

Q. Were you present at the time E. B. was killed?

A. I was.

Q. Do you know how he was killed, and with what instrument?

A. I do. It was with a stone thrown from the hand. I saw the stone thrown, saw it strike the deceased, and saw him fall immediately.

Q. Do you know who threw the stone?

A. I do, and I know it was not Jacob H

Q. Who was it that threw the stone?

A. I decline to answer, as it will criminate myself.

After some legal discussion, the Court decided that the witness was not compelled to answer.

The case went to the jury, and after an absence of about two hours they came into court with a verdict of not guilty. I hastened to the hotel to carry the glad tidings to the sick man. As I entered the room his wife and friends were standing around his bed. He was dying, and never knew that he was acquitted.

The sorrow of his poor heart-broken wife was terrible. "They have murdered my husband," she said; "and what will become of me and my poor little children?" And as I looked upon the inanimate form before me, I thought, "Another vic-

tim of the curse of intemperance; another murder perpetrated by the license of the court."

"Murder most foul—as in the best it is;
But this most foul, strange, and unnatural."

The hotel where R. B. was killed had had a license only about nine months. And how did the account stand upon the books of the Commonwealth?

The proprietor paid into the county treasury twenty-five dollars for the license. Through its agency one man had been murdered at his doorstep, and another—an innocent man—had been, by the process of the law, cruelly tortured to death with anxiety, and his wife and little children left almost destitute. The trial cost the county over twenty-three hundred dollars. From a financial point of view, this is but one of a multitude of similar cases that are occupying the time of the courts every day in the year.

In view of the evidence afforded by the criminal records of our Commonwealth, how can any man believe that the hotel licensed to sell whiskey is necessary for the accommodation of the traveling public? With the facilities of to-day, women travel almost as much as men. Why is it that they do not find a licensed public bar necessary for their comfort? Who ever saw a woman go to a bar and take a drink? Why is it? Are the men of so frail and feeble a constitution that they cannot undergo the fatigues incident to travel without a stimulant, as well as the stronger and more robust women? If this is so, would it not be well for the good wives of the country, when compelled to travel with their weak and delicate husbands, to provide themselves with a properly constructed and filled "nursing bottle" for the welfare and comfort of their lords and masters, and save the law the necessity of inflicting upon the country the infernal grog-shop, with its spirit of sin and body of crime?

What a vagabond race is the "traveling public" in this commonwealth, how debased the habits and tastes of "strangers and travelers," when whiskey is by law recognized as indispensable to their comfort! Before our late act, intended to drive the tramps from the country, liquor might have been necessary

for the comfort of the "traveling public," but to-day how many of the immense throngs that pass along our great thoroughfares demand intoxicating liquors as a necessity? Do our business men require it? Is there a business firm in the country that would employ as their salesman or agent, entrusted with the management of their affairs, a man whose habits rendered it necessary for him during his travels to daily visit those public institutions which the law has licensed "for the benefit of the traveling public"? If a merchant firm in New York should see one of their salesmen or collectors going to a public bar and calling for a drink of whiskey, would they not have fears that their business was not safe in his hands? and if the occurrence should become frequent—if he acquired the habit of partaking of the "comforts" the law so kindly placed within his reach—would not the fears of his employers increase, and at last, unless he avoided those places licensed for the "accommodation of strangers and travelers," would he not be discharged from his position as one unworthy and unsafe? Do we not trust all men we employ with more confidence if we know them to be strictly temperance men than we would if they were addicted to drink? Who is it that demands licensed whiskey while they travel? It's not the women; it's not the ministers: they dare not use it even if their "necessities" demanded it. The opinion of the public to-day ignores the plea of necessity so far as women and ministers are concerned. The commercial travelers well know that those to whom and for whom they sell goods acknowledge not the plea. The lawyer, entrusted with great and valuable interests, which require in their defense the clear brain and reasoning mind, does not find it a necessity. The farmer, the artisan, and mechanic do not need it. For what class of persons then is the public bar licensed to-day? For tramps, loafers, and politicians—none other!

To say that a licensed whiskey-shop is *necessary* to the traveling public is a silly falsehood, and every candid, thinking mind will admit it. A hotel licensed to sell whiskey is about as necessary to the comfort of the weary traveler as purgatory would be as a resting place for the souls of the dead on their flight from earth to paradise.

CHAPTER X.

THE GREAT ARMY MARCHING TO DEATH.

"Some, as thou saw'st, by violent stroke shall die,
By fire, flood; intemperance more
In meats and drinks, which on earth shall bring
Disease: of which a monstrous crew
Before thee shall appear."

—*Milton.*

"Intemperate youth, by sad experience found,
Ends in an age imperfect and unsound."

—*Sir J. Denham.*

A PROMINENT temperance statistician asserts the startling fact that in the United States there are over seven hundred thousand drunkards; that over one hundred thousand die annually, who go to drunkards' graves; over two hundred and seventy-five die daily, or twelve every hour, from the effects of strong drink; in a country, too, that boasts of its Christian civilization, of its schools and colleges, its churches and benevolent institutions. We pause with bated breath before the enormity of the evil, and the strange apathy of the people.

Yesterday the public prints stated there were ninety deaths in the city of New Orleans from the yellow fever, and that the plague was spreading rapidly. The people of the North were appalled at the details of the horrors of this terrible pestilence. The sound of its solemn foot-fall northward is listened for by a terror-stricken people. From all the Christian churches in the land, prayers ascend to the throne of Him on high, to arrest the pestilence that walketh in darkness, and that wasteth at noonday." Large sums of money are contributed by a sympathizing and benevolent people to ameliorate, as far as possible, the suffering in the South. All past differences are forgotten. We cannot remember that a few years ago this people were arrayed against us on the field of battle; that brothers were armed

against brothers in fratricidal warfare; we have forgotten it all, and only remember that we are all members of the great brotherhood of man. Yesterday a car load of those noble women, the Sisters of Charity, passed through our city on their way South to nurse the sick and dying; and as I saw them on their way, clad in the simple paraphernalia of their holy mission, I thanked God we had a religion in this country that recognized the precepts taught by the Saviour in the beautiful story of the Good Samaritan.

All this is well; it is one of those spontaneous outpourings of human sympathy for human suffering that is the legitimate offspring of our holy religion. It matters not whether the hands that wipe the dew of death from the suffering brow, and administer the soothing draught, were wont to tell the beads on the rosary of the Catholic devotee, or turn the gilded pages of the prayer-book of the Established Church:

> "For if the page of truth they sought,
> And comfort to the mourner brought
> These hands a richer meed shall claim
> Than all that wait on wealth or fame."

Yes, all this is well; but, strange inconsistency in a Christian people! there is a plague in our land more terrible than that now ravaging the South, and we are comparatively indifferent to its horrors. There is a pestilence more deadly than the exhalations of the fabled Upas tree, and a Christian people support it by law, sustain it by fashion, and spread its ravages by license and public approval.

One hundred thousand are dying annually from the effects of this pestilence, as it sweeps over the country like the waters of a mighty inundation. This great army of one hundred thousand men and women are marching past us to death every day. We see it, and know it well, but time and custom have made us familiar with its countless horrors, and it passes by unheeded. The law supplies it with recruits, and it moves on as unceasingly as the tides of the ocean or the waters of a great river.

For a moment let us observe this mighty host as it marches on toward the shore of that dark and silent river, whose ferryman is Death.

In its ranks are seen men whose brilliant intellects have made them famous in the world of oratory and song; men celebrated in science, in art, and for learning. The forum, the church, the halls of legislation, have all furnished their numbers to swell the awful army of inebriates that is marching on to a death of infamy and drunkards' graves. From the king and warrior, whose word was law to nations, to the hewers of wood and drawers of water, every station in life has furnished its numbers to swell the innumerable host that has gone before. We know this as well as we know any physical fact in nature, and yet we wonder from whence come its recruits.

MOTHERS! they come from your arms, from your loving breasts—and even your prayers do not save them. Guard well, I pray you, the inmate of the cradle by your side; look well to the influences that surround your little son at home. Soon he will be restive of a mother's control, but he will never lose a mother's influence; soon he will go away from the parent nest, but he will carry with him, either for good or evil, the lessons you have taught him by precept and example. Has he ever seen the wine cup at your lips—those lips whose kisses he will remember for long years to come? Has he ever seen it circulating among the gay and thoughtless company assembled in your parlors? If so, God help him; for I have seen many a son, whose ruin could be traced to just such influences, taken from our court-room to prison in chains.

A poor, heart-broken mother once knelt to me, and with uplifted hands prayed me, in frenzied tones of agony, to save from prison her only son. "Oh!" said she, "it will kill me; oh! that I could suffer in his place, for it is my fault. He was under the influence of liquor when he committed the crime, and taught him to love it in his infancy."

I could only tell her to look to her God for consolation in her great trouble, for human skill and power could not avail.

And still this great army moves on, and we wonder from whence come the recruits.

FATHERS! they come from your knees, from your homes, from under your influence, to swell the great and terrible number who find drunkards' graves. Had your example anything to do with it? Did you teach your son to shun the wine cup

as the first temptation? Have you been a temperate drinker, and by your example encouraged your child in the path that leads to crime and death?

Once in our court, an only son had been sentenced to the penitentiary for arson—a crime committed by him in a fit of drunken anger, because he had been ejected by a rumseller from the bar-room, where the liquor sold him made him drunk and disorderly. "Oh!" said his father to me, "I dare not go home and tell his mother—it will kill her. I gave my boy a good education, I started him in business, but he became dissipated in spite of all I could do."

"Did you yourself ever drink?" I inquired.

"Yes," said he, "I was always a temperate drinker, but never drank to hurt me, or to excess."

"Did your son ever see you drink?" I asked.

"Yes," said he, "God forgive me, he has; and he thought that because I could control my appetite, he could his. I once kept a hotel. My son was my clerk, and I think there was where he acquired the habit which ruined him;" and as he said this, I thought of the stern and inflexible justice of the divine decree: "With what measure ye mete, it shall be measured to you again."

This man had been for years engaged in the business of making other men's sons drunkards. He had accumulated wealth in the nefarious traffic. Other fathers had sorrowed over sons who had fallen by his influence; other mothers had been heart-broken by the ruin he had wrought. And now he would have freely given all the "wages of sin" he had accumulated, to save his own poor boy from prison. While in my heart I pitied him, yet again that same stern and inflexible justice whispered in my ear, "As he has done to others, so has it been done to him."

Verily, verily, in this world "the father's eating sour grapes shall set the children's teeth on edge." But while I have been writing this page, another score of that great army have dropped into drunkards' graves, yet there is no diminution in their number. New recruits are constantly falling into their ranks. The young and thoughtless are coming; the middle-aged are coming; the aged, whose span of life is almost ended, are coming; from everywhere, from every station in life, still

y come. The recruiting offices for this awful army are es-
lished by law on every pathway in life trodden by the foot
man. They are licensed by the courts, and approved and
ctioned by a Christian people. How can we arrest the ter-
le evil? The words of inspiration answer: "Lay then the
at the root of the tree, and let every tree that bringeth not
th good fruit, be hewn down and cast into the fire."

CHAPTER XI.

WHY HE WAS DIVORCED, AND HOW HE CAME TO GET MARRIED AGAIN.

"Till Hymen brought his love-delighted hour,
There dwelt no joy in Eden's rosy bower;
The world was sad—the garden was a wild,
And man the hermit sigh'd—till woman smile .."

—Campbell.

"Marriage is like a flaring candle
Placed in a window of a summer night,
Attracting all the insects of the air,
To come and singe their pretty winglets there;
Those that are out butt heads against the pane,
And those within butt to get out again."

—*Pantheon.*

OLD Henry K. and his good wife had lived together in the bonds of matrimony for forty years, and while it is proverbial that the course of true love never did run smoothly, it is especially true that the stream of connubial felicity does not always flow calmly and uninterrupted by rock or ripple. While they agreed in the main, yet there were some slight differences of opinion between them which sometimes cast their shadows over the matrimonial pathway, as clouds flitting across the sky cast their shadows over the landscape. The differences were few, and Henry thought immaterial. For instance: The old lady was a warm advocate of temperance and total abstinence, while Henry was not. The old lady was a pious and exemplary Christian, Henry was not. The old lady was frugal and industrious, and here again they differed. Furthermore, the old lady believed it a duty to work six days in the week, and rest on the seventh, while Henry believed that if he rested hard all the six days of the week, there was no harm in going a-fishing the seventh.

With the exception of these unimportant differences, they

agreed as well as the average matrimonial couple who are bound together by the ties of past love and present law. Henry was an ardent politician, and took great interest in seeing that proper men were elected to office. If a town constable was to be chosen, Henry was an active canvasser, and on election day, if his favorite candidate was the fortunate man, Henry was so elated, he generally celebrated his victory so enthusiastically, that late at night he was so tired he had to be led home by his brother politicians; while, on the other hand, if his man was defeated, Henry was wont to drown his disappointment in the flowing bowl.

The old lady had borne this, her great sorrow, for two score years, until at last forbearance in her mind ceased to be a virtue. So, one cold November night, when Henry was brought home in a more than usually sorrowful condition, and laid upon his bed, she procured a clothes line, and with it bound him as tight and fast as ever a victim was bound to the stake. She then put out the fire in the stove, that he might not get up in his sleep and set the house on fire; opened the windows in the room, that he might not die of suffocation, locked the door, and retired to her lonely couch. During the night it stormed so

> "That e'en a child might understand
> The de'il had business on his hand."

In the morning, poor old Henry was almost frozen to death, but on his making a faithful promise to let politics alone in the future, his good wife released him. The rheumatism, however, had taken so deep a seat in his bones, that he was unable to walk for many a day. As soon as he could get to town, he came to me to tell me a most pitiful tale of his wrongs, and employ me to get a divorce. I tried to persuade the old man to forget and forgive; but he said his "rheumatiz" prevented the first, and his insulted manhood the last. So, thinking that in the end he would abandon the suit, and to appease him for the time being, I filed his petition.

Time passed on. There was no hope of peace; the day of trial came, and the twelve intelligent jurors thought the ground for a divorce sufficient, and so said by their verdict. Old Henry left the court apparently as happy as on his bridal morn.

About six weeks after, the old man came into my office again, looking very much crestfallen. I had heard what had happened *ad interim*, and was prepared for what was coming.

"Squire," said Henry at last, "I want you to get me another divorce."

"Another divorce?" said I; "why, are you married again, after your past experience?"

"Yes, squire," said he, "the old woman married me over *ag'in*."

"She did?" said I; "why, how in the world did that happen, and with so short a courtship?"

"'Twa'n't no courting at all," said the old man. "I'll tell ye how it happened, Squire. One evening the old woman sent me word that she had got a letter from our son Sam in Kaliforny, and invited me to come down and she would read it to me. I went down. She had a good supper for me. You see, Squire, I've been keepin' bach'ler's hall sin' we parted. Well, arter supper she read me the letter, and then got my old pipe and gin it to me, and we sot and talked for some time, when I looked up in the cupboard and I saw the old woman's bottle of tansy bitters. She saw me looking at it, and went and tuk it down and sot it on the table, and told me to take some, it would be good for my rheumatiz. I took a drink—there wasn't as much tansy in it as she used to put in, for she used to make it so bitter I couldn't drink it. Wall, it tasted kind o' good, and the old woman was pleasant—and I took another drink, and byemby another; and arter a while Squire Hobbs and his wife comed in, and we talked and talked about Sam and old times, and I don't jest remember how it *was* done, but she married me over ag'in. But it was the whiskey that done it, Squire, and I believe it was a *sot up job*, an' I won't stand it."

I informed him that he could not get another divorce until some new cause arose. I told him to try and get along, let whiskey alone, drop politics, and I thought the old woman would not freeze him to death again.

A number of months after, I met old Henry looking bright and happy. "Well, my old friend," said I, "how do you get along?" "Oh! fust rate, Squire! fust rate. You see the old woman can't fool me on any more *tansy* tea. I've quit drink-

ing, Squire, signed the pledge, and my second wife and I get along fust rate, better than I did with the *fust* one, a darned sight. Sam's come home, and, Squire, I'm most awful glad I took that tansy."

I hope the women will see no reason in the foregoing anecdote to lessen their efforts in the cause of temperance; for while drunkenness has been in my practice the prolific cause of divorce, I never before knew a happy marriage like old Henry's to result from it. Whether the tansy had anything to do with the result is a matter beyond my knowledge. I have looked in the dispensatory, but don't find that "a disposition to marry" is one of the medicinal properties attributed to the plant.

In looking over my diary, I find the following results from over thirty years' practice:

Divorces obtained, where the primordial and recent cause was whiskey	43
Marriage from the same cause	1
Balance against whiskey	**42**

The attention of the ladies is especially called to the above statistical items. Let us have renewed efforts, and more determined warfare.

CHAPTER XII.

STREET ARABS IN COURT—A DIALECT NEW TO THE JUDGE.

"But who can youth, let loose to vice, restrain?
When once the hard-mouthed horse has got the rein
He is past thy power to stop."
—*Dryden.*

"'Tis education forms the common mind;
Just as the twig is bent, the tree's inclined."
—*Pope.*

"The pebble in the streamlet scant
Has changed the course of many a river.
The dew-drop on the baby plant
Has warped the giant oak forever."

"Suffer little children to come unto me, and forbid them not; for of such is the Kingdom of God."—*Mark* x: 4.

At the usual terms of our court, after the sentences have been passed upon the old and grave offenders of the law, the sheriff ushers into the court-room a number of small boys from ten to fifteen years of age. All ragged, dirty, and unkempt, they come. Precocious in vice, they seem to be the very embodiment of the germs of original sin. Young and hardy plants of transgression and crime, they need no hot-house or gardener's care to fully develop them into house-breakers, thieves, and robbers. They are the natural and spontaneous growth of the soil, the weeds and thistle plants of society, scattered by fate along the by-ways of life. Born of drunken and vicious parents, in the purlieus of vice, from the hour of their birth they have been surrounded by every bad and corrupting influence, the thieves' vocabulary their mother tongue—the oath profane, the ribald song and jest of the low drinking-houses, have been familiar to their ears from their infancy. A mother's love they never knew; a father's care they never had.

They are the "*hoodlums*" and street Arabs, begotten of drunkenness and debauchery. It is no fault of theirs that they have been thrust into this world to suffer cold and hunger, and compelled by the unfortunate surroundings of their childhood to steal or starve. Accustomed to sleep under the wharves or bridges, or in empty hogsheads and dry-goods boxes, gleaning their miserable food from the garbage barrels in the streets, the prison to them is a palace, and the plain, wholesome prison fare a feast of good things they may before have "dreamed of but not enjoyed. What wonder is it that they are what they are? that grave and learned judges are at a loss to know how to deal with them, and that they are a part of our social problem yet unsolved? We can not permit them to roam the streets untrammelled by the restraint of the law; we dare not poison them, as we do the rats in the sewers and cellars, or drown them, as we do young puppies and kittens whenever the supply exceeds the demand. No, we cannot do either—as much as it would gratify some modern philanthropists to do so; for they are human beings, with immortal souls, whose destiny reaches away yonder into the never-ending ages of the future. Many of them are bright and intelligent, with innate capacities for great good or evil; with proper care and education, they may be made useful men and good citizens. Yes, in that group of dirty, ragged outcasts there may be, perhaps,

> "Some mute, inglorious Milton, or
> Some Cromwell, guiltless of his country's blood."

So far, they have been educated in nothing but crime. Among their associates, a successful burglary is a deed to be proud of—as much so as a victory to a military chieftain—and a convict who has served his term in prison for "cracking a crib," or for manslaughter, is a hero whose acts are to be emulated, and whose crimes are to be imitated. The tales of "Dick Turpin" and the "Rover of the Sea" excite in their young minds a spirit of ambition to become equally criminal and notorious. They owe society nothing, for society has done nothing for them. Modern philanthropy has almost entirely overlooked them, and

in its praiseworthy effort to convert the heathen abroad, has almost entirely neglected the heathen at home.

The fact is, that at the missionary sewing circles which monthly meet in the gilded parlors of the Mrs. Veneerings of society to make clothes for the heathen of distant lands, and where their benighted condition is so sweetly discussed over cake and tea, "distance lends enchantment to the view," and this makes their situation a matter of much greater interest than the condition of the heathen who live in the filthy alley back of "our barn."

A half-naked savage, roaming in uncontrolled freedom amid the cocoanut and palm groves of Africa, is a much more romantic object in the minds of Hon. Mrs. Skewton and her associates, than is the ragged street "gamin" whose drunken parents live down by the railroad, and who have turned their little children into the streets to beg, steal, or starve.

I have defended scores of these street vagabonds, the very spawn of the low grog-shop, just because I pitied their friendless condition when I saw their little feeble hands raised in unequal combat against the power of a great commonwealth. Of course they must be punished; the safety of society requires it; for as certain as the planted acorn becomes an oak, does the pupil of Fagin become Sykes, the robber and murderer.

What shall be done with them? They are the offspring of the great curse, alcohol; the fungi that germinate in the shadow of the grog-shop and die on the gallows, in the prison, or in the hospital.

Here is a question for the modern philanthropist and lawmaker; here an opportunity for the efforts of missionary societies. The Mrs. Jellybys of the country can here find as worthy objects of Christian charity as are the natives of "Borrioboola Gha." The law-makers can here find an argument against the license to sell rum, stronger than ever fell from the lips of the "temperance fanatics." Oh! most wise and patriotic legislators, while you are so anxious that the Government shall not be cheated of its taxes by "crooked whiskey" and illicit distilleries; while you are vigilant to see that all venders of distilled liquid crime and sin shall pay a license to the State for the privilege of making thousands of street vagabonds an-

nually; while you do all this, I pray you don't forget that they are to a great extent the creation of your wise legislation; that they are floating waifs on the great dark streams of intemperance, which sweep over the country from their source in the legislative halls of the State. And remember that the banks and shores of those streams are thickly strewn with the wrecks of splendid fortunes of those who have gone down beneath their poisonous waters. And remember, too, that these young scions of vice and drunkenness, if they live, will some day become voters; and should not self-interest—which sometimes influences the wisest and best of statesmen—induce you, as far as possible, to remove the baleful influences the laws you have enacted have thrown around them?

The license law created their surroundings, and those surroundings have made them what they are. If the theory of "environment" may prove that the physical man was developed from the protoplasm, how much more certain it is that the moral man is the creation of influences which have followed him through life.

> "'Tis education forms the common mind;
> Just as the twig is bent the tree's inclined."

Had those laws that license and encourage the sale of liquor never been enacted, the grog-shops of high and low degree would never have existed. Deny it if you will, but, with laws that punish the sale of liquor as a crime (which it is), and with those laws as strictly enforced as are any others that protect society, a generation would solve this social problem and wipe out the evil.

It is true that crime will exist, even under the best and wisest laws: so will disease; yet we may assuage if not stop the plague and pestilence by proper sanitary measures; and so may we abate and decrease crime if we keep from the people strong drink, the great source from which crime comes.

But the little vagabonds are in court, and must be disposed of. His Honor, looking kindly at them, examines the court docket, and says, "Johnny Ray, stand up." Johnny gets on his feet, and, giving a hitch to his ragged trousers that have

never depended on suspenders for their position in life, stands thumbing his brimless hat, while an expression of injured innocence glimmers through the dirt on his face, and, as he looks slyly at the Judge, he whispers to himself, "I wonder if the '*old cove*' will send me up for long."

"Johnny," says the Judge, with an affectation of sternness he does not feel—"Johnny, where do you live?"

"Down in Blinker Bill's lushing ken, in Rag alley," says Johnny naively.

"What? where?" says the astonished Court. "What do you mean by 'lushing ken'?"

"Blinker Bill's ken, where they sell lush," says Johnny; and with anxious desire to give the Court the desired information, he continues: "You patter down Wharf street to Rag alley, then down the alley to the fust crossin', and track down the dancers, and the fust slam is Bill's ken. You orter know Bill, for I heerd him tell his pal, Toby Buster, as how your Honor gin him a permit to slop lush to the pads."

The Judge looked at the clerk in astonishment. The clerk informed him that Mr. William Blinker had a license from the Court to keep a drinking-saloon or eating-house at the place designated by the young culprit.

Johnny, who was evidently much astonished at the ignorance of the "old cove" of the English language, gave his trousers another hitch and awaited coming events with imperturbable gravity.

"Where is your father, Johnny?" asked the Court, after a brief silence for reflection.

"The cops nabbed dad 'cause he cracked a crib, and when they nabbed him, he had the swag, so they sent him to the trap," said Johnny, looking sorrowfully at the floor.

"Have you a mother?" asked the Court.

"Yes," said Johnny, "but when dad got in limbo, she kept a boosing ken and fence, and bought wipes of the prigs as were on the kinchin lay, and then the beaks lagged her, and now the quods have got 'em both, and then Blinker got me to slop lush, and one day Swankey Slum, this 'ere kid (pointing to another among the young offenders), kicked my dorg, and I was putting a head on him, 'cause Butcher is all the friend I got, and—and

—the cops nabbed me and Swankey both, and—and—and—that's all I done, and I'll lick any boy as kicks Butcher, I will!"

Johnny by this time was convulsed with sobs, and, having imparted to the Court all the information he had to give, stopped talking, and stood with head erect and nostrils dilated, looking as a hero might have done who had won a battle for his country. When he took his seat, he looked at Swankey as if he thought the job he had undertaken was yet unfinished, and he longed to complete it.

The boys were sent to the House of Correction, there to associate with older and more hardened criminals, and, when released, to return to their old haunts, and become in the end burglars and robbers.

But what shall we do with them? asks the philanthropist. Why, do just what you are doing with the Fiji Islanders—civilize them if you can, Christianize them if possible; but, as a preliminary to either, blot out of their accustomed haunts the grog-shop, and your Christian work will be half accomplished. You can, by proper laws, prevent the sale of liquor, as you would prevent the sale of any other substance deleterious to the health and welfare of a people. Lay the strong hand of the law upon the wicked traffic. License no man to do evil, or to injure his neighbor. From the pulpit, the rostrum, and the press, speak to the people; form public opinion against it; put it down by the popular vote, and in the future a redeemed and regenerated people will call you blessed.

DEFINITION OF WORDS AND PHRASES FROM THE THIEVES' DIALECT.

Cracking a Crib.....Burglary or house-breaking
Cops.....Police officers
Lushing ken.....Drink-house or grog-shop
Putter or truck.....To walk
Dancers.....Stairs
Slum.....Door
Slop hush to the pals.....Sell drink to the boys or thieves
Boosing ken.....A place to hide thieves and booty
A fence.....Receiver of stolen goods
Wipes.....Pocket handkerchiefs
Kinchin lay.....To steal from children

Traps, limbo.....Prison or lockup
Lagged.....Arrested
Swag.....Stolen property
Fogle Hunter.....Pickpocket
Run the flimsy.....Pass counterfeit money
Beak.....An officer or detective
Pad the hoof.....To walk out
Jerk the tinkler.....To ring the door-bell
Douce the glim.....Put out the light
Prig.....A thief
Prad.....A horse
Scragged.....Hanged
Pal.....A companion or particular friend
Yokel.....A countryman
Kid.....A small boy or child
Colquarren.....Neck
Shore the tumbler...Whipped at the cart's tail—an old mode of punishment
Topping cheat.....A gallows
Tobymen.....High-toned thieves and burglars
Bob.....A shilling
Quids.....Gold pieces or guineas
Bingo.....Brandy
A crack blower.....An expert thief or robber
Stark naked.....Gin
Bustle.....Money
Buzzgloak.....A pickpocket
Toby-or-not-toby—that's the question.....Meaning to take the highway or not
Unlucky in their speculation..A phrase applied to defaulters of public money
Tannies to-day may be smash to-morrow..What is of no value to-day may [be precious hereafter
Peter.....A portmanteau
Oliver.....The moon
Stubble your whids.....Hold your tongue
Uncle.....A pawnbroker
Queer cuffin.....A magistrate
Glimflashey.....Angry
Fly.....Ill omen
Quod.....Prison
Fenced the swag.....Sold the booty
Napped the regulars.....Took our shares
Crack a swell crib.....To break into a gentleman's house
Cracksman.....A burglar
Lagged for doing a panny.....Sent up for burglary
Tape often proves a topping cheat....*i. e.*, LIQUOR OFTEN LEADS TO [THE GALLOWS

CHAPTER XIII.

WILL P., AN OLD FRIEND.

"Who hath woe? Who hath sorrow? Who hath contentions? Who hath babbling? Who hath wounds without cause? Who hath redness of eyes.

"They that tarry long at the wine: they that go to seek mixed wine.

"Look not thou upon the wine when it is red, when it giveth its color in the cup when it moveth itself aright.

"At the last it biteth like a serpent, and stingeth like an adder.

"Thine eyes shall behold strange women, and thine heart shall utter perverse things.

"Yea, thou shalt be as he that lieth down in the midst of the sea, or as he that lieth upon the top of a mast.

"They have stricken me, shalt thou say, and I was not sick; they have beaten me and I felt it not; when shall I awake? I will seek it again."—*Proverbs* xxiii: 29-35.

THIRTY-FIVE years ago I was a student of A—— College, in Western Pennsylvania. My most intimate friend and classmate was Will P., a young man with splendid abilities, and the finest form of an Adonis. He was the master spirit of our class, the leader and front of every offending against the rules of the institution, genial and generous, brave and manly. He was a favorite with the faculty, that, when arraigned for some offense against the good order of the institution, the President, with reproof on his lips, but a kindly smile in his eye, would lecture the culprit somewhat severely. But Will was always so patient, and so manly in assuming the faults of others when his comrades, that the sentence was always tempered with mercy.

One morning Will had removed the red cambric covering from the chapel Bible and placed it on his Greek lexicon—which had the worn and well-worn appearance of the sacred volume—and laid the book on the stand of the rostrum. After calling the roll, the President prepared to read, as usual, a chapter preceding morning prayer. When he opened the book, however, at the first glimpse, thought that there was something wrong with his spectacles. After carefully wiping them,

and looking at the page again, he immediately turned to Will and said, "Master Will, you have this morning made a mistake which ought to be very gratifying to your many friends. Please let us have the Bible for morning services, and when we are through, I will lend it to you to take to your room to read. I heard this morning of your conduct last night. Let me call your attention to Proverbs, chapter xxiii., 29th to 35th verse, inclusive. Read and profit by it. Many like you have, in an unguarded moment, commenced that downward career, which has ended in a drunkard's death. You have brilliant abilities, and are capable of great good or evil. Think of your pious old mother, and what her sorrow would be did she know where you were and what you were doing last night. And, my dear young friend, let me warn you of the danger that lurks in strong drink, and the ruin that is hidden in the intoxicating cup."

The rebuke came like a clap of thunder. Few understood what it meant, but some of us did know that Will loved the wine cup too well, and that the night before he had been in some disreputable company, and was brought to his room in a state of intoxication. The rebuke made in that public manner had a most excellent effect, and, for the remainder of his college term, Will was one of the most sober and studious members of his class. Two years after, he graduated with college honors, and returned to his home in the South, carrying with him the hopes and best wishes of all who knew him.

For some years we corresponded with each other. He was studying law, and I medicine and surgery. As years passed on, our letters became less and less frequent, and at last I heard that my friend had received an appointment from the government on some foreign embassy, was married to a beautiful and wealthy young wife, and had gone to Europe. I heard no more of him for a number of years, when I heard that he had died in foreign parts.

More than twenty years had elapsed after we parted, and I only remembered Will as one among the many pleasant companions of the past. My readers, is there not in your heart some secret recess, filled with the memories of past loves and friendships? some place where remembrances of those you loved in youth are preserved, amid the ruin and wreck of hopes once

so bright, and ambitions whose objects once seemed so easily attained? Is there not there some secret chamber, filled with the forms and faces of those once dear to you? My venerable legal brother, who, with me, has trodden the long and weary road of professional life for over a third of a century, lay down "Coke on Littleton" for a moment, and let us commune with the past. We are old, and the world thinks hard-hearted, and beyond the reach of human sympathy. If the young of to-day were to look at us, they would smile at the thought that we could ever have been touched with any of the soft and sentimental feelings incident to humanity—and yet we know that the smile would be ill-timed; we know better than they what we have hidden away in the ashes of the past. The little girl you loved so dearly in your boyhood died in a distant State nearly forty years ago, and yet in memory cannot you see the sparkle of her bright eye, and the color mount her cheek, as some playmate coupled her name with yours, in your youthful sports and pastimes long, long ago? In the echoes of memory do you not hear the voice of the young maiden, who, in your early manhood, used to wait, with love's impatience, to welcome your coming, and who, for so many years, has slept so quietly beneath the trees in the old church-yard on the hill? Is there not some hidden chamber in your heart, filled with tender recollections of former loves and friendships—of those persons and things to which memory clings with fond embrace, and around which recollection loves to linger? Yes; do you not remember even the robin or squirrel you used to pet when a boy, better even than the face of yesterday's client? The hoop, the kite, the favorite jack-knife—do you not remember them better than the contents of the paper you indited only the other day? Yes, I know by the expression of your face that you remember them all; and would not forget them if you could. The memories of the past are like the oases in the desert to the weary traveler—bright green spots in the pathway of life.

"Will you please come to the jail and see my papa?" said a child-like voice at my office-door. I looked up from my paper and saw a little girl of perhaps ten or twelve years of age, bare-footed and ragged. She was very pretty, although very dirty, and as she looked at me with her large, dark eyes, the ex-

pression struck a chord in my heart, as if touched by the finger of memories long dead.

"What is your papa's name?" I inquired.

"His name is P.," she answered, "and we have traveled a great way, and I was hungry, and papa went into a bake-shop and bought me a loaf of bread, and I was eating it, and the policeman came and took hold of papa and said he stole it, and took him to jail. But he didn't steal it, 'cause a gentleman gave him a dime this morning, and papa said he bought it."

"Where have you come from, my child?" I asked, "and where are you going?"

"We came from Erie," she replied, "and are going to Pittsburgh. Then papa said we would not have to walk any more, but we would get on a big boat, and go home to grandpapa's."

"Where does your grandpapa live?" I inquired.

"Oh!" said she, "he lives ever so far! way down South where the war was."

"Were you a soldier in the war?" I asked as seriously as I could.

"No," she answered naively, "but papa was, and then the *Yanks* came and took papa a prisoner, and they stole all grandpapa's *niggers;* and they carried papa to Pennsylvania, and he was sick, and mamma brought me up to see papa, and she died, and now I don't know what we will do;" and the poor little child burst into tears.

I went with her to jail, and in one of the cells I saw a veritable tramp, if ever there was one. Dirty and ragged, bloated by liquor, blear-eyed, nearly palsied by dissipation, and disgusting in appearance, he looked the very personification of drunkenness and pauperism.

I asked him the cause of his imprisonment, and he told me the following story:

"I was a rebel soldier. I was taken prisoner and carried to Harrisburg, where I was confined in a hospital for a number of months. My poor wife came to see me, when, from fatigue and exposure, she was taken sick, and died, leaving little Annie, my only living child. I had two sons killed in the army, fighting for what they believed to be their rights. Don't judge me

hard, Al! You did not use to be hard on me for my vagrant acts, when we were classmates on College hill."

When he spoke to me in this familiar manner, I started with surprise, and ejaculated, "Classmate! Who are you!"

"Why," said he, dropping his head with shame, "I am your old friend, Will P."

"Is it possible!" I exclaimed. "You the brilliant and talented Will, once the pet of the faculty and the envy of many of your fellow-students!"

"Yes," he said, "I am what is left of him. I am, as you see, a wreck, utterly and irretrievably ruined by the curse of strong drink. You know I was well born, was wealthy myself, and married a wealthy and noble woman. Poor thing, she clung to me through all my degradation, as the vine you see in the woods clings to the rotten, heartless trunk of a dying tree. You remember the lecture the old president gave me when I exchanged the chapel Bible for my Greek lexicon. Well, that lecture and rebuke nearly saved me; but, you remember, I had an appointment on a foreign embassy. When abroad with my wife, wine was always on the hotel tables—not to drink it was to be singular and attract attention. I drank as others did, and, as others do who drink, at last became a confirmed drunkard. I was removed from my position for dissipation, and returned to my home in disgrace. I had squandered all my fortune, and nearly all my wife's. I returned to my home in Georgia, and when the war broke out, I joined our army, was wounded and taken prisoner. Our slaves were all liberated, our property gone, my wife dead, and I left the hospital a pauper. By the aid of a friend I reached Erie with my little girl, and we have walked from there, begging our way.

"Oh, my God! what do you think were my feelings as I passed the old college hall and play-grounds, and thought what I once was—what I might have been—and what I now am; but the appetite for strong drink has followed me from my youth, like an evil spirit, bent on my destruction.

"As I passed along the college grounds I saw the old tree where you and I used to sit and smoke our cigars, build aërial castles, and talk over our anticipations of the future. How

little life I think my future would be a drunkard's life, and most probably a pauper's grave!

"As Annie and I were coming down College hill, we met a student with his books under his arm, looking as careless and happy as I used to feel when unconscious of the future, I trod the same path when we were boys. My little Annie was so hungry that I begged him to give me a few pennies to buy her some bread; for I was a beggar, asking charity to keep my child from starving. In the street I had trodden when I was wealthy and full of hope for the future. The young man put a dime into Annie's hand, and she looked so pleased, for she had had nothing to eat since the day before. We slept in a barn last night. I think it was on your father's old farm, a few miles back. You remember, I used to go out home with you, and stay over Sunday. I thought I remembered the place, though it was nearly dark when we got there.

"Just as we approached your town, we passed one of those curses by the wayside—a public inn, where they sell liquor; one of those pits into which all like me must fall; we cannot avoid them, cannot pass them. Oh! what a terrible thing is this appetite, this irresistible craving for strong drink! You remember the picture in our old geography of a traveler on horseback in Africa, who, with his horse, was caught in the folds of an anaconda—how frantically both horse and rider seemed to struggle in the terrible embrace! How often have I thought of that picture, and imagined it represented myself, struggling with this fatal appetite.

"I knew my child was starving, and that I had the means of buying bread for her. I did not know where I could get any more money, yet I could not resist the temptation; *I had to drink*, and as the hotel-keeper dropped the dime the student had given Annie into his till, I realized what I had done. I had left my little girl on the sidewalk, waiting for me to come out with some bread and butter, which I told her I would go in and buy for her. As I turned to leave the bar, I asked the keeper for a piece of bread, when, with a curse he told me to be gone.

"I told Annie they had none to sell, and we soon passed a baker's shop where I saw some small loaves of bread on the

counter. I went in, and, watching my opportunity, stole one, and gave it to Annie. Half famished, she could not wait until we were out of sight; the baker missed his loaf, pointed us out to a policeman, who arrested me and brought me here. I inquired for you of the turnkey. I thought you were a doctor, and when he told me you were an attorney, I sent my little girl for you. It is a small case to ask you to attend to, but to me it is all in all. You see I am as much deprived of my liberty as if I was a highway robber, and treated as if I was as guilty as a defaulting bank officer (?), and I only stole a five-penny loaf to keep my child from starving."

He made me promise not to tell any one who he was, and, assuring him of my assistance, I left his cell. He was in confinement a few days, and when thoroughly sober, I procured his release. Some kind ladies had interested themselves in Annie's behalf. I gave him a respectable suit of clothes and a pass for himself and child to Cincinnati, where he could take a boat for Georgia, his home. I have no doubt of the end—*a drunkard's death*.

My observation has satisfied me that not one man in twenty, who has once been a confirmed drunkard, is ever reformed so thoroughly that the reformation will continue. Nearly all are unable to resist the demands of their appetites for any great length of time, and when the law establishes so many places where such men are tempted, it is useless to expect to be able to reform and save them. The temperance people can only do the best they can, and leave the rest to God. But the rising generation can be saved, and the means used to secure this result will save many confirmed inebriates. There is one way, and only one, and that is, *prohibition, strict and absolute*. Banish the accursed stuff from our streets and by-ways; stamp the traffic with the infamy it deserves, punish the man who sells whiskey, just as you would punish any other criminal, and, if ever the law is effective in doing good and eradicating evil, it will be here, and save thousands of men from crime, poverty, and drunkards' graves.

CHAPTER XIV.

AN ANCIENT BOOK ACCOUNT, AND ANOTHER MURDER.

"There is a weapon firmer set
And surer than the bayonet;
A weapon that comes down as still
As snowflakes fall upon the sod,
And executes a freeman's will,
As lightning does the will of God,
And from its power no bars nor locks
Can shield us—'tis the ballot box."

—*John Pierpont.*

VOTE IT OUT.

"When the time that we long for shall come,
When the people shall vote as they pray,
When the morning of glory shall dawn,
We will hail with delight the glad day.

CHORUS.

"It will come by-and-by,
When right o'er success shall prevail,
It will come, by-and-by,
God hath said, and His word cannot fail.

"When the chains of the traffic shall break,
And the shackles from Christians shall fall;
When the voters shall dare to do right,
Though the party should go to the wall.

"Oh! ye Christians, whose prayers are so loud
That God would old Alcohol rout,
Remember to vote as you pray,
And thus drive the enemy out."

—*Song.*

"[illegible]"

"Why do you spend so much time lecturing on temperance? No one will thank you for it. All this excitement on the subject is doing no good. There is just as much liquor drank now as there was before we had any temperance societies. You are making yourself unpopular with the hotel-keepers.

ntrol a great many votes. The temperance women
for you, and would not if they could. The tem-
n do not exert one-half the influence at an election
uor men do. Don't you see that it is a losing game
? Why do you bother with it, then?"
friend in the street one day, and, after taking delib-
e fired the above broadside at me, with the rapid-
charge from a mitrailleuse. It set me to thinking.
of the statement is not true, and a part is true. It
that the temperance movement has done no good.
e that as much liquor is drank now as there used
there were any temperance societies. The balance
ment is true, most probably.
ars ago the hotel-proprietor was a man of influence
n in society. The business of liquor-selling was un-
by legal restrictions, and was a most respectable

w the trade is contraband, and the liquor-sellers on the verge or "ragged edge" of respectability. m are church members; many of them are disrepu- e are good citizens and honorable men, who try not e license granted them. But come from whatever ay, the effect of the poisoned cup is the same; its n society is alike, though it be filled either by the ie owner and proprietor of a fashionable hotel or keeper of a low groggery or beer morgue.

proportion to the number of inhabitants, I do not ; one-tenth part as much liquor is sold or drank now s in the early days of the Commonwealth.

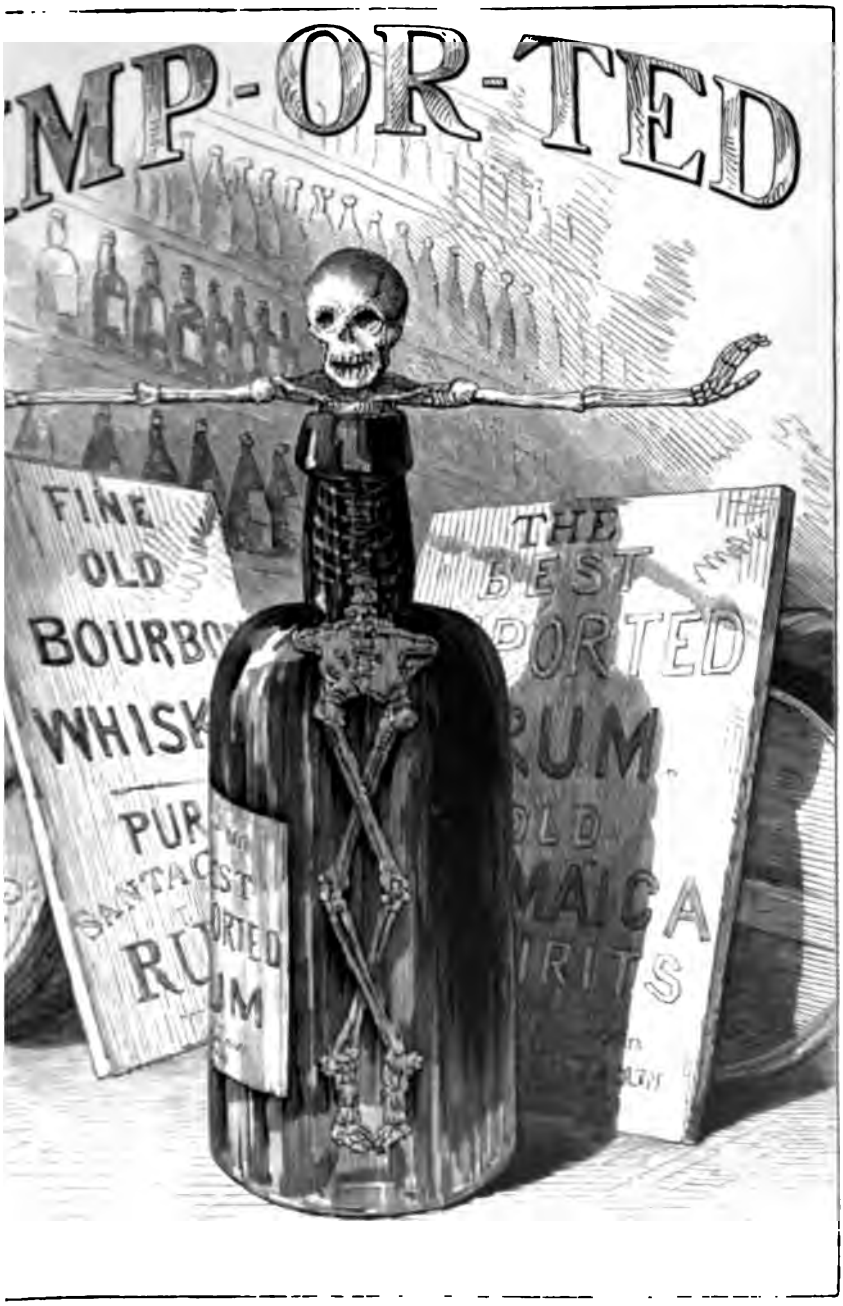
ing over the court records a few weeks since, I came ld account book, kept by a tradesman of olden times. s dated in 1790, and was used in a suit to recover an ew years after. It was the "day-book" of one of erchants in our city—a most excellent man—who since, respected by all who knew him. Curiosity ne to look through its pages, and to note the staple arter and trade of that day.

lowing is a copy of a page from the book:

1793.	JOHN M., Dr.	£	S	D
May 18,	to 2 quarts whiskey		3	9
19,	to 2 ditto ditto		3	9
21,	to 2 ditto ditto		3	9
22,	to 2 ditto ditto		3	9
24,	to 1 gal. ditto		7	6
25,	to 1 ditto ditto		7	6
28,	to ½ lb. tea, 1½ sugar		5	9
29,	to ½ gal. spirits		3	9
30,	to ½ ditto ditto		3	9
31,	to ½ ditto ditto		3	9
June 2,	to ½ ditto ditto		3	9
3,	to 2 qts. whiskey		3	9
4,	to 2 qts. ditto		3	9
6,	to 1 pound sugar, 1 qt. whiskey		2	10
8,	to 1 qt. whiskey		1	10
9,	to 1 ditto ditto		1	10
10,	to ½ gal whiskey		3	9
11,	to 1 lb. sugar and ½ lb. tea		4	2
12,	cr. by one ham venison, smoked		2	0
14,	to 1 qt. whiskey		1	10
15,	to 1 ditto		1	10
16,	cr. by one ham venison		1	6
17,	to 1 gal. whiskey		6	0
19,	to ½ lb. powder and 2 lbs. lead		2	6
21,	to 1 gal. whiskey		6	0
23,	to 6 yds. calico, for wife		18	9
25,	to 1 lb. sugar, ½ lb. chocolate		3	9
27,	to 1 qt. salt, 1 pt. whiskey		5	0
29,	to 2 gal. whiskey		6	0
30,	to 1 lb. loaf sugar		19	0
July 1,	to 1 gal. 3 pts. port wine	1	7	6
2,	to 1 qt. brandy		5	0
3,	to 1 rifle gun	9	0	0
5,	to pair Indian blankets		17	9
6,	to fustian and jean	1	4	1

It will be seen by this account, which is a veritable copy of one page in the day-book, where there are hundreds similar, that whiskey was almost a necessity with the first settlers of the country; it was a staple article of consumption, its sale was unrestricted by law. It was in general use, and a generous supply was always "laid in" for winter.

A story is told of a constable, who, in an early day, had



TOPER'S CORKSCREW.



been for some time trying, without success, to collect a debt of an impecunious debtor, when, accidentally hearing that he had laid in his "winter's whiskey" (three barrels), he paid him a visit with an execution. The man was absent from home, and when the constable informed his good wife of his errand, she was struck with consternation and dismay. "Why! land-a-massy!" she exclaimed, "you ain't a-going to take all our winter's whiskey away from us, be you?" "Not all, mother," replied the good-natured constable, "I will leave you the biggest barrel." "Why, massy sakes alive," she replied, "what on airth good is *one* barrel of whiskey in a family of nine children and only one *knows*, do you think?" The appeal was irresistible, and the officer was content with one barrel.

It must be evident to every one that there is not as much liquor drank as in former times, when its sale was unrestricted, when almost every one used it more or less, and when it was no disgrace to get drunk. He must be blind indeed who can see no good result from the temperance movement. What laws we have restraining the traffic are due to it alone. The discussion of the temperance question has informed the people of the extent of the evil, has educated public opinion, and made the business of liquor-selling disreputable and contraband. Penalties are inflicted for the violation of the laws that regulate it. The law prohibits the sale or gift of it to minors or persons of intemperate habits; will not permit it to be sold on Sundays or election days; and by these very prohibitions acknowledges the fact that its use is pernicious to the people and an injury to the well-being of society; for, why restrain the traffic in that which does no harm? All these prohibitory laws are the direct result of the temperance reform movement, and it needs but to go a step further and prohibit the sale of liquor as a beverage, under all circumstances, and the victory will be complete: mankind disenthralled, society relieved of the great source of crime, and Christian morality advanced with the stride of a century.

For this purpose and to this end the temperance people must become more united and determined in action, more careful in the selection of those who make and administer the laws. The hardest battle is yet to come. The army of manufacturers and venders, moved by the strongest of human motives, that of

self-interest, will wage a long and stubborn warfare. It will be fought by the ballot instead of the bullet: by argument instead of the bayonet; but armed as the hosts of temperance are, in a cause so holy they are invincible to any force that can be arrayed against them. Let there be no armistice, no truce, no cessation to hostilities, until the victory is complete and the laws that disgrace our statute books are obliterated.

No man should be elected to any office of public trust and confidence unless he is opposed to licensing sin and legalizing crime. We would not vote for a thief, nor a robber, nor a murderer. Why, then, vote for a man who supports and upholds a law which begets thieves, educates the robber, and makes murderers by license and legal enactments?

Since I commenced to write this chapter I have been employed to defend a man who killed another at a licensed hotel in our city. All the actors were drunk—the murderer was drunk, his victim was drunk, and the proprietor who sold the liquor was accessory to the crime, and deserves punishment even more than the man who, frenzied by its maddening influence, struck the fatal blow, and is in law the principal. Society may excuse the one because of his license. The law may fail to punish him, and while his victim is suffering the long years of imprisonment prescribed as the penalty for the crime, he will walk our streets, free and unpunished, a libel upon the name of Justice, and a murderer by every law save that recorded on the statute book of a great Commonwealth.

And now, to the law-makers of this people I make this eloquent appeal, taken from one of the Rev. Lyman Beecher's great sermons on temperance:

"Ye venerable and honorable men, raised to seats of legislation in a nation which is the freest, and is destined to become the greatest, and may become the happiest on earth, can you, will you behold unmoved the march of the mighty evil; shall it mine in darkness, and lift fearlessly its giant form in daylight, and deliberately dig the grave of our liberties, and entomb the last hope of an enslaved nation, and nothing be done by the national government to stop the destroyer? With the concurrent aid of an enlightened public sentiment, you possess the power of most efficacious legislation, and by your example

and influence, you, of all men, possess the best opportunities of forming correct and irresistible public sentiment on the side of temperance. Much power to you is given to check and extirpate this evil, and to roll down to distant ages broader and deeper and purer streams of national prosperity. Save us by your wisdom and firmness, save us by your example, and we will ever pray."

Yes, gentlemen, to whom the people have given much, and of whom much is of right demanded, I make this appeal to you; not, perhaps, in the spirit and belief of its eloquent author. He undoubtedly thought it might avail; he knew that it enunciated self-evident truths, which none of you could or would deny. He thought your duty was so apparent, that you would give it the consideration it deserves. I don't think so; for as long as the rum-shop is so effective a weapon with which to carry an election, I expect you to be cautious and conservative.

I am not one of those amiably disposed, philanthropic Christians, who believe in the doctrine of total depravity, and that politicians are but so many living evidences of the truth of the theory. No, I believe that, as a class, you are of average morality and mental capacity; that some of you are fairly nominated, and many of you were actually elected to the positions you occupy. I further believe that you are all, or most of you, willing to serve the country—of course, having first looked to your own interest—and what more can we expect of frail humanity? And when it is made clearly apparent that it is to your interest to oppose the liquor traffic, I doubt not that you will do so, with all the zeal of new converts. It is, then, the duty of the temperance people to show you that their united vote is worth more than the influence of the grog-shop and beer-saloon. When this is done, your conversion will be complete and lasting. That this can and will be eventually accomplished, no one can doubt. As soon as the advocates of temperance shall inscribe under the motto of our good brother Murphy, "Malice toward none and charity for all," the moral taught in the fable of Æsop, "United we stand, divided we fall," and carry out at the ballot-box the principle the old man in the fable sought to instill into the minds of his sons, so soon

will the temperance cause receive your hearty support, and not before.

To-day the grog-shop is a most effective instrument in the hands of politicians with which to carry elections. But let the time come when it shall be no longer effective; when the rum traffic shall be like Samson shorn of his locks, and appeals like the one quoted will not be lost upon those great and good men who seek for office—only for their country's good.(?) But I doubt whether that time will ever come, until we turn into the muddy pool of politics the pure stream of woman's influence at the polls. Then it will come, and come quickly.

Let the temperance people unite as the liquor-dealers have done; let them forget the minor political issues for this great principle; let their united strength be felt at the polls, and politicians will bow in humble obedience to their demands. What is it that the advocates of prohibition ask that is unreasonable? They seek to disarm the murderer; to wrest the knife from the hand of the would-be suicide; to protect the wife from the brutal blows of the drunken husband; to wipe the tears of sorrow from the cheek of the mother who mourns over the frailties of a wayward son. They seek to destroy the grog-shop, and, by its destruction, prevent its attendant evils—pauperism and crime. They desire to promote temperance, sobriety, and their every-day companions—industry and morality. This, and this only, is their demand; and as certain as truth and right have always prevailed in every great public contest against sin and wrong, so certain will the time come when these demands, made at the ballot-box, will be acceded to by a just and Christian people.

"Truth, crushed to earth, will rise again;
The eternal years of God are hers;
But Error, wounded, writhes in pain,
And dies among its worshippers."

CHAPTER XV.

CHARITY—AN EATING-SALOON BILL OF FARE.

"The charities that soothe, and heal, and bless,
Are scattered at the feet of men like flowers."
—*Wadsworth.*

"Now abideth faith, hope, and charity, these three; but the greatest of these is charity."
—1 Cor. xiii: 13

"The highest exercise of charity is charity toward the uncharitable."
—*Bachminster.*

"The rankest compound of villainous smells that ever offended nostril"
—Shakespeare.

"WITH malice toward none and charity for all." This motto looks well in print, is amiable in precept, sounds well, and, without doubt, is a good rule of human conduct. It is in accordance with the spirit of the Christian religion, and of the sublime teachings of Him who said: "If thy brother smite thee on the one cheek, turn to him the other also." But to an old lawyer, who, for over a third of a century has seen the effects of the liquor traffic, as they are manifested in our criminal courts, it is a very difficult motto to adopt. The fact is, I hate the grog-shop in every form in which its monstrous presence is tolerated in a community, and have no perceptible feeling of charity for the liquor-seller, no matter to what church he belongs, or what his social position may be. When I have seen the criminal brought into court for trial; when I have heard the story of his guilt, and found that it was the result of drunkenness, I have fell charity for him, and pity for his suffering family. I have observed, however, that the law had no charity, but against him its mandates were executed with a degree of severity which, it would seem, malice alone could dictate. In vain does the victim plead human infirmity and an

uncontrollable appetite in his behalf; in vain does he point to the legalized temptation which has increased that appetite; in vain does he ask for charity and beg for mercy—the law is inexorable, its penal statutes know no charity. "Drunkenness aggravates the crime," says the stern and inflexible rule; and, without mercy, without charity, the fetters are placed upon him, the prison doors are closed behind him, and for years he is incarcerated for the commission of a crime which, had he been sober, he would have scorned to commit. "Drunkenness aggravates the crime," but the liquor traffic aggravates drunkenness, and we are asked to be charitable toward the rum-seller while we are merciless toward the criminal. Why is this? Is it because the licensed vender has become rich on his ill-gotten gains, owns a pew in a prominent church, and contributes to the spread of the gospel a small percentage of the profits he reaps from the ruin he has wrought?

What is an "eating-saloon," such as is established by law and protected by license? It is a thing difficult to describe—*sui generis*—and as unlike any other thing in this world as darkness is unlike light. A respectable citizen applies to the court for a license to keep one. Its necessity as a place to feed the hungry is made manifest to the court. In fact, the testimony is so clear and conclusive on this point, one would suppose that, if the license was refused, it would cause a famine in the region around the contemplated saloon. The application is well considered by the court, and at last, from the apparent great necessity of such an institution for the good of the public, the license is granted.

A few days after, let us visit the place. It is in full blast, running night and day. As we approach its door, we hear the ear-torturing music of an asthmatic Dutch organ, mingled with the beer-soiled notes of the "Faderland." We pause on the threshold; a perfume, very unlike the "spicy breeze from Araby the blest," assails our nostrils; stale beer and Connecticut tobacco combine their odors in commingled sweetness on the evening air. But some of my readers may be curious to know on what viands the people are fed in this "legalized necessity"—a licensed eating-saloon. We enter the door, and pass around behind a screen, whose kindly services have preserved many a

reputation long after it was no longer worth preserving, and the stock in trade of this great and indispensable public institution comes in view. Let us take an inventory:

1st. A barrel of new corn whiskey, from whose delicious contents a number of bottles on the bar have been filled.

2d. A half barrel of water crackers, whose age can only be approximated by a geological computation of time—for arithmetic would be unable to do the subject justice.

3d. A number of kegs of lager beer, whose nastiness of composition is only rivaled by its taste.

4th. A barrel of ale—a fit companion of the beer in all its attributes of flavor and smell, only nastier, if possible.

5th. A basket of "pretzels," salt as the ocean's brine. The very thought of one begets thirst, compared with which that of Tantalus was a very mild sensation.

6th. A Limburger cheese!!

"But here my muse her wing maun cour;
Sic flights are far beyond her pow'r."

Here my pen proves unequal to the task. I can only say that if all the vile odors from the public sewers were mingled with those of Chicago's fragrant river and glue factories; if all these could be combined in one stupendous, overwhelming, sickening stench, it would be sweet as the attar of roses compared with that cheese. Surely the man who invented this vile compound must have anticipated, in the progress of Christian civilization, the existence of a licensed lager-beer saloon, and well understood the laws of environment and the fitness of things. It (the cheese, not civilization) is found nowhere else. Its odor becomes the proprietor, the place, and the public whose wants are there satisfied, while the place itself is sanctified by its presence.

7th. A part of a box of salt herrings, whose smoke-dried remains ought to settle forever the question of precedence in the order of creation on our planet, between the fish and saurians.

8th. On the walls are hung, in graceful festoons, the fly-

specked and savory bologna, "whose *bark* is hushed, yet whose scent endures forever."

This completes the stock of eatables usually found in these licensed institutions, so necessary to *feed* the public. Yet, if a "square meal" was demanded at the bar, to fill the order would require the agency of a miracle, second only to that of the loaves and fishes.

The truth is, nine out of ten of these applications are most palpable swindles practiced on the court. The proprietor never intended to keep an eating-house, but a drinking-saloon, where nothing could be obtained to eat save that which would create an unnatural thirst. One hungry man could eat at a meal the whole stock of provisions, if his digestive powers were equal to the "cubic inch" capacity of his stomach. No; it is not for an eating-house, but a drinking-saloon, that the license is obtained. The profit of the business is from drink. It is not from the traveling public, but from daily habitues, who gather there every evening, and squander the hard-earned wages of the day in a night's carousal. Yes; seated around tables in the room, bloated, beer-sodden, and debauched, are the "hungry" for whose especial benefit this institution is licensed. Listen, for a moment, to the Babel-like jargon and confusion of tongues; to the oath, the ribald song, the obscene jest, mingled with the repeated cries of "zwei lager," "whiskey," "pretzels," "cheese," as each hungry and thirsty customer calls for these great necessaries of life. Listen for one moment, and then if you can feel any charity for the keeper, the court which granted the license, the men who certified to its necessity, or the law which permits such a pandemonium to exist; if you can feel any charity for any one who assisted in planting such a foul and loathsome moral ulcer as this on our body politic, I am willing you should enjoy a monopoly of the sensation.

There is another class of good citizens for whom I have no charity—I mean those who certify to the necessity of these immoral pest-houses.

Not long ago I picked up a petition of an applicant for a license to keep a tavern or inn, from the clerk's desk in our court, and on it found the following certificate:

"We, the undersigned, respectable citizens of —— ward, in

the city of ———, do hereby certify that we are well acquainted with the above-named applicant, and the house where he proposes to keep an inn or tavern. We know him to be a man of good repute for honesty and temperance, and believe that an inn or tavern is there necessary to accommodate and entertain strangers and travelers. We also certify that the said applicant is well provided with house-room for the accommodation of the public."

The certificate was signed by twelve good citizens. Among those who had signed were eight members of prominent churches, and four good temperance men. And yet the certificate was untrue in every respect. It was, in plain English, a solid lie from the centre to the circumference. The applicant was *not* a man of good repute for temperance; his house was *not* necessary to accommodate strangers and travelers, and the signers must have known it—for it was out of the path of usual travel; very few strangers ever went there. The accommodations were not intended for the traveling public, but, night after night, the bar-room was filled with the same old habitues—men whose families resided near by, and who sorely needed the money squandered nightly in the pestilential atmosphere of this licensed plague-spot.

I know charity is a Christian virtue, and ought to be cultivated; but if any man can feel charity toward those who signed that certificate, and in the most deliberate and positive manner falsified, in order that a nuisance might be established in the community, he has a capability for "saintly emotion" much greater than I have. In fact, I don't want to feel charitable toward them. I had much rather not. I feel more comfortable and enjoy myself better as it is.

Here were eight professing Christians and four temperance men who signed that certificate, just because the proprietor was a customer of theirs, and they were afraid to offend him and lose his trade by a refusal. Besides, he paid his bills promptly, and what did it matter to them even if every coin they received was stamped with the sin of a nefarious traffic? They saw not upon it the impress of the last trembling touch of the drunkard's fingers, as it left his hand in exchange for gin. They saw not the tears of his sorrow-stricken wife and hungry children.

No, it was current coin of the realm; this they saw—nothing more. Yet they knew it all, as well as if the story had been impressed upon the coin indelibly as the motto, "In God we trust." But with many men "business is business," and the only woe that ever affects them is that of their own household. To expend charity on such men is the poorest investment of the emotion that can be made, for it returns no interest on the capital expended.

There is a kind of cheap morality in this world, which is rich in mottoes and moral epigrams, but poor and beggarly in deeds. Its precepts sound well when uttered by the lips of men, but in every-day life its teachings are forgotten and its admonitions disregarded. Members of this school of morality deserve not so much charity as does the open sinner who strives to do right, but is driven to do wrong by an uncontrollable appetite or an impulse he is powerless to resist.

Many men deserve more credit in this world for so conducting themselves that society barely tolerates them than do many other men who acquire the reputation of being saints. The criminal who has committed a crime when intoxicated, in my mind, is much more deserving of charity than a respectable man who deliberately certifies to a falsehood for the purpose of establishing a grog-shop, or the man who presents the intoxicating cup to the drunkard's lips.



CHAPTER XVI.

ENTOMOLOGICAL REPORT—STILL WORM AND THE WAY TO DESTROY IT.

"Ten thousand casks,
Forever dribbling out their base contents,
Touch'd by the Midas finger of the State,
Bleed gold for ministers to sport with.
Drink and be mad, then. 'Tis your country bids."
—*Cowper.*

"Since ninety-nine out of every hundred ruined men are ruined by drink, let us rescue the perishing, and carry to the drunkard the gospel of hope and deliverance."
—*John B. Gough*

If we look at the temperance movement from a financial standpoint alone, we will see overwhelming reasons why it should receive the support of every tax-payer and citizen who has his own interest at heart, as well as the moral and social welfare of society.

"Arithmetic will not lie." It is one of the few truthful witnesses that can commit no perjury, even under the cross-examination of a skillful attorney. In the county where this chapter is written there are one hundred and seventy licensed saloons and hotels where liquor is sold. Now, suppose that the average sale per day at each place is ten dollars—and I am informed by those who ought to know that it would exceed that amount—it would make in the aggregate seventeen hundred dollars per day, eleven thousand nine hundred dollars per week, over forty-seven thousand six hundred dollars per month, or five hundred and seventy-one thousand two hundred dollars per year. If, in ten years, the number should not increase, it would make the enormous sum of five million seven hundred and twelve thousand dollars, that would be spent in one county alone for intoxicating

liquor. What, then, would be the amount expended in our whole commonwealth? what in our whole country?

Dr. Hargreaves, in a valuable publication entitled "Our Wasted Resources," gives some interesting and appalling statistics in relation to the cost of alcoholic beverages in the United States as compared with our other resources and expenditures. He states that the income of the country from all sources, including agriculture, manufactures, commerce, railroads, mines, and fisheries, is, in round numbers, seven hundred millions of dollars per annum. The amount of liquor sold in the United States in the year 1872 he estimates, from reliable statistics, at six hundred millions of dollars, an amount greater than the cost of all the food, and nearly twice as great as the amount expended for clothing. The cost to consumers in ten years is given as six thousand seven hundred and eighty millions of dollars, or about three times the national debt.

The liquor bill of the State of Pennsylvania in 1870 was	$65,000,000
Illinois for the same year	42,825,000
Ohio " " "	58,845,000
Massachusetts " "	25,000,000
Maine " " with a prohibitory law	4,215,000

But the loss is not alone in the money expended for that which is an injury to the purchaser. That is a direct loss to the people, and can be estimated in dollars and cents; but the incidental loss is far greater.

Suppose that some insect pest or worm should suddenly make its appearance in the farmer's field, and destroy his crops; suppose the evil should extend over the country until it was estimated that it destroyed over forty millions of bushels of grain annually. Would not the country be alarmed? Would not Congress appoint a commission of experienced entomologists to visit the region afflicted, to study the habits of the worm, and see what could be done to extirpate it, as was done with the cotton-worm and grasshopper? Yet there is a worm in our land worse than all the insect pests that have afflicted mankind. It consumes annually over forty million bushels of grain. The number of paupers in the United States, as given in the census of 1870, was one hundred and sixteen thousand one hundred and two. It will be seen that this hideous worm destroys an-

nually enough grain to supply all these paupers with bread. Imagine the matter brought before Congress, on complaint being made from all parts of the country of its terrible ravages. The investigation of the evil is intrusted to a committee of learned naturalists, and, after a careful examination of the facts, they make the following report:

"*To the Honorable, the Senate and House of Representatives of the United States of America, in Congress assembled:*

"The undersigned, appointed by your honorable body to investigate the ravages in various parts of the country of a worm, which it is said is destroying a large proportion of the grain crop, beg leave to make the following report:

"That in pursuance of the commission to us directed, we proceeded to make the necessary investigation, and found that the depredations of the worm were more general and destructive than we had anticipated. In some sections of the country the products of whole fields of barley, rye, and corn were completely destroyed. In some localities we found that hundreds of bushels of these cereals were so injured in one day as to be rendered unfit for food. We discovered that the destruction of the grain was the least of the evils caused by this worm. After it has fed for some hours on grain, it vomits forth a loathsome and disgusting poison, that is carried by other pests over the country, and scattered as bees scatter the pollen of flowers. This poison, thus distributed, affects persons under its influence in a most remarkable manner. Its first symptoms are manifested in the one affected by a disposition to idleness, profanity, and street politics. These symptoms increase until the victim entirely neglects his business and is given to spending most of his time in disreputable places, where are others affected in a similar manner. He squanders his property, and finally abuses his family, and beats in the most cruel manner his wife and children. As the symptoms increase in virulence, they result in a temporary insanity. In this condition the person affected is most likely to commit the very worst crimes—larceny, burglary, robbery, and arson are among the most frequent—and as the effects of the poison continue, the poor, suffering victim is impelled to perpetrate murder! An examination of the records of

the criminal courts showed us that nine-tenths of all the crime in the country is caused by the influence and effects of this poison. The coroner's docket proves that ninety per cent. of the suicides comes from its agency; and if the unfortunate victim of its virus is not, before it is too late, kindly arrested on some criminal charge and sent to prison, where he is for a time removed from its influence, or if he does not kill himself, he at last dies from its effects, in the most awful tortures the human system can undergo. For some days previous to his death, the person affected imagines that he is beset by devils, the fires of hell burn at his feet, hideous serpents hiss in his pathway, and fiends in every monstrous shape gibber and snarl at him from every dark corner of his room—horrible reptiles of every conceivable form, like monstrous toads, and snakes and worms, with eyes of flame and breath of fetid poison, hiss at him, and thrust out their forked tongues. Scorpions

> "With monstrous tails, that twisted out
> In horrid evolutions, tipped with stings,
> Long, venomous, and sharp,"

smite him as he walks, until, at last, death most welcome ends his sufferings. We find these are the common and well-known effects of this poison.

"We find that besides the destruction of the grain crop, the effect of this poison cost the country more in ten years than the late civil war; and that it has destroyed more human lives in that time than were lost on the battle-fields of the rebellion.

"In view of the enormity of this evil, we believe it to be the duty of your honorable body to do everything that can be done to extirpate this loathsome reptile, commonly called by the people a "still worm," or, in scientific nomenclature, *vermis horribilis;* and for this purpose we recommend that your honorable body shall pass an act authorizing its destruction whenever and wherever found. We also suggest that you memorialize the legislative bodies of the several States of this Union to join with you in the effort to destroy this worm, and we have no doubt of your final success, and that there will be at least one

Congress of the United St[ates] ll remembered in the
prayers of the righteous fo[rever].

"Respectfully y[ours],

"CHRISTIAN [illegible],

"TEMPERAN[CE] [illegible], *Chief Entomologist.*
Assistant."

Now, most potent, grave, and reverend signiors, most able and revered law-makers, you who tried so successfully to "enact" out of being the grasshopper and cotton worm, here is an opportunity to legislate out of existence the most loathsome reptile that ever crept its slimy way along the paths trodden by men; here you can, if you will, act with some hope of success. A Christian constituency demands it at your hands, religion and morality demand it, suffering humanity demands it. Then will you refuse, because the grog-shop and its victims overawe you with the terrors of their influence at the ballot-box?

In estimating the expense to the country caused by the use of alcoholic liquor, we must add to the actual amount paid therefor the value of the grain destroyed in its manufacture, just as if it was destroyed by blight or the locust. Do so, and we have the following:

Amount paid for liquor in Pennsylvania annually	$65,000,000
The value of cereals destroyed in its manufacture	3,000,000
Total, the enormous sum of	$68,000,000

Add to the individual loss from the effects of its consumption the expense of our criminal courts—whose life-blood is but the pulsation of this nefarious traffic—add all this together, and you will have a sum that would build a church in every township, a school-house in every district, provide the churches with ministers on good salaries, the school-houses with teachers, school apparatus, and public libraries; would place a Bible in every hand; and when all this was done at home, would spread the blessings of Christian civilization over the globe, until "*Earth's remotest nation had learned the Messiah's name.*"

But suppose this were not so; even suppose it would cost this vast amount of money to remove this great evil, would we not be bound to remove it by every principle of philanthropy and

Christianity? We have no right to weigh the moral and social welfare of a people in a scale with dollars and cents. We might as well attempt to appraise and value the pure and beautiful gems of the Orient by weighing them ounce for ounce, with the glittering, worthless sands of Alaska.

The law that licenses the sale of that which is so ruinous to mankind in its consequences is radically wrong; wrong in every feature; wrong in inception and foundation; wrong in principle and in precept, and in direct violation of all the teachings of Christianity and the laws of God.

No man has a right, no man can acquire a right in this world, to give to his neighbor that which he knows will ruin that neighbor, and bring suffering and want to his wife and children. In vain am I told that the law-making power of the State has enacted such a law, and that it has received the sanction of the Supreme Court; I still deny the right, and acknowledge not the authority. Every prompting of the human heart revolts at it. I assert almost in the language of Lord Brougham, in the Parliament of England: "There is a law above all enactments of human codes, the same throughout the world and in all time. It is the law written by the finger of God upon the hearts of men; and by that law eternal and unchangeable, while men shall loathe rapine, hate crime, and abhor blood, they will deny the wild, the guilty phantasy that man has a right to give to his fellow-man that which he knows will prompt him to crime, and ruin him in this world and the world to come."

It is a proposition that admits of no denial. As a people we do know what are the probable consequences of the license system, and we are as responsible for those consequences as in law the accessory before the fact is responsible for the probable consequences of the act of his principal in crime.

In this temperance reform, no citizen has a right to be apathetic or indifferent. In this world there are sins of omission as well as commission, and the man who fails to do what his duty to society calls upon him to do is as criminal as he who violates the plainest commandments of the law.

We have no right to be careless and heedless of our neighbor's welfare. When men relinquish their natural liberty in exchange for the protection and benefits of civil liberty, they

assume other obligations than those which affect them solely and singly. Those obligations are a mutual regard for each other's rights and welfare. A man who would make no effort to save a drowning fellow-man would be justly despised by all who knew him, and while many are standing safe on the rock of temperance, yet the flood of intemperance is raging around them. The forms of men struggling and sinking amid the engulfing waves are seen on every side. Shall nothing be done to save them? Shall no plank, or buoy, or life-boat be launched to their assistance? Shall we do nothing to protect future generations from this great inundation of evil? Heedlessness and neglect of duty are sometimes as criminal as unlawful acts. No man has a right to be careless to the injury of his fellow. The thistle shall not be allowed to grow on one man's farm, lest it scatter its seed on the land of another. The husbandman may not, for his own benefit, place the burning match among the dried grass of his own field, lest the conflagration spread to the field of his neighbor. Mutual rights and obligations are the bonds that bind civilized society together, and the whole moral and legal code of the world may be summed up in that one sentence, so full of infinite wisdom and justice: "Whatsoever ye would that men should do to you, do ye even so to them."

Let us not, then, neglect our duty to ourselves, our fellows, and to the future. The farmer who has let the noxious seeds take deep root in his fertile fields finds too late that he has ruined his farm by neglect and carelessness, while the careful husbandman is cautious that no baleful seed is sown on his ground, that the wheat he strews is unmixed with tares, and he reaps an abundant harvest.

So in this temperance movement—let us by laws close those places of resort from which the seeds of ruin and death are strewn over the fair fields of youth and innocence, and future generations will reap the harvest of a sober, industrious, and prosperous manhood.

CHAPTER XVII.

DEACON ABIJAH STONE—HIS COW—EFFECTS OF HIGH-PRICED GOODS IN AN EARLY DAY.

"A jest's prosperity lies in the ear
Of him that hears it, never in the tongue
Of him that makes it."

—*Shakespeare.*

"Care to our coffin adds a nail, no doubt;
And every grin so merry draws one out."

—*Peter Pindar.*

ALTHOUGH the law is grave and dignified, yet there are times when both judges and lawyers lay aside the solemn conventionalities of the court-room, and indulge with infinite relish in joke and jest. At convivial meetings and bar suppers restraint is laid aside, and stories of rich experience related, where each has been in turn either the victim or perpetrator of some joke, long remembered and often narrated. In former times the convivial glass was considered necessary to the evening's enjoyment, and many tales are told by the gray-headed veterans of the profession of those times when wit warred with wit, and no quarter was asked, expected, or given.

At one of these meetings the following incident was related by a sober, staid old lawyer, who was then a pillar in the church, and a most exemplary man, but about whose former life the echoes of the past whispered many strange stories; and as he related it his eyes twinkled at the recollection, like the slumbering sparks in a nearly extinguished fire. "I will tell the tale as it was told to me."

Seventy-five years ago the county of Allegheny included within its boundaries a large portion of Western Pennsylvania. When other counties were formed out of its territory, the county seats where the courts were held were far apart, the

roads very bad, and the attorneys and President Judge used to "ride the circuit," as it was called, on horse-back. In some instances and some seasons of the year, it would be several days' travel from one court to another. The wayside inn, or country tavern, now almost extinct, was the home of the weary traveler and the pride of its proprietor. Generally situated at the corners of some "cross-road," it was, soon after its erection, joined by a blacksmith shop, a country store and post-office, and became the nucleus of a bustling, thriving town or village.

The bar-room of the "tavern" was the assembly-room where all the politicians and gossips of the surrounding country met together in the evenings, and over the pipe and glass discussed grave questions of State, government and religion, while "news much older than their ale went round." The prospects of the coming harvest, the *Injun* depredations, were talked over, canvassed, and weighed with profound wisdom and great volubility.

> "'Twas there where the gray-headed gossips would meet,
> And the falling of markets, or goodness of wheat—
> This field lying fallow—that heifer just bought—
> Were favorite themes for discussion and thought.
> The merits and faults of a neighbor just dead—
> The hopes of a couple about to be wed—
> The doings in Congress—the bill and debate—
> Were all canvassed and weighed as the hours grew late."

The pride of the landlord was his bar, which usually occupied one side of the room. This was arranged with a row of sturdy, aldermanic-shaped decanters filled with "Old Rye," "Old Peach," "Cherry Bounce," "Tansy Bitters," and all the other primitive liquors and compounds which so pleased the taste of the "Fathers of our Republic," while bottles of infusions of "Moosemissy" and Cherry-tree bark" offered their sanitary services to the early settlers to ward off the "fever and ague" and kindred diseases so prevalent in a new country.

The landlord of one of the most popular of these resorts was one Deacon Abijah Stone, a pious and exemplary man, a pillar in the church, and yet one who always kept his "eye on the main chance," and who boasted, withal, that he had never been "done for" in a trade.

The Deacon was a temperate man, as the world then went; yet it was whispered that he was somewhat fond of his own good cheer, and when the judges and members of the bar met under his hospitable roof, he laid aside his scruples and indulged with the rest.

These events were always followed by curtain lectures from his good wife, which were delivered in a style more remarkable for their emphasis than for the elegance of their diction. But it was all of no use—when the lawyers came the deacon would forget himself, and it was always observed that the next day he looked more than usually solemn, and took particular pains to deliver to his customers homilies on the evils of intemperance.

On one of these occasions the younger members of the bar, and, it was whispered, some older ones, too, planned a practical joke, which was carried into effect as could only be done by a set of graceless scamps whose familiarity with the law bred contempt for its mandates.

The deacon had for nearly twenty years been the owner of a lop-horned, star-faced, brindle cow, which, for her lacteal resources, he highly prized. She was well-known in the neighborhood, and there was not a truck-patch owner within five miles but was most intimately acquainted with her. It had happened that in one of her nocturnal predatory excursions, by some wicked hand she had been "curtailed" until she somewhat resembled Tam O'Shanter's mare, after she had passed the "*key-stane* of the brig."

One very dark night, while some of the lawyers were plying the deacon with his own generous liquor within, without a foul and wicked plot was being executed against him. Those engaged in it went to the stall of old Brindle, and with a saw shortened considerably her horns, while with a relic obtained from a neighboring tan-yard, some shoemaker's wax and a string, they lengthened her caudal appendage as it was in the days of her youthful innocence. With some paint well applied, the star in her forehead vanished like a missing orb in a constellation, and all was ready. One of the young attorneys then entered the bar-room, where he was immediately asked by his coadjutors where he had been. He replied that he had been to

secure a fee — that a client of his, who was unable to pay cash for legal services, had given him a cow, and now that he had her, he did not know what to do with her. He wished he could sell her for one-half of what she was worth. Here the Deacon pricked up his ears, and looking as innocently indifferent as if he never intended to purchase another cow in his life, asked where she was, and what the owner would take for her. He was informed that she was in a vacant lot across the street. The Deacon lighted his lantern, and, with the owner of the cow and several others, walked over to take a look and make a trade. It was not far in a straight line to the lot where the cow was, but it was observed that the Deacon had considerable lateral motion in proportion to his direct movement. After some time the cow was reached. The Deacon, by the dim light of his lantern, looked her over, and remarked that she had not a single point of a good milker about her, being in this respect totally unlike his favorite Brindle. After some talk about the price the *quasi* owner agreed to sell the Deacon the cow, if he would receipt for the whole bill of all the lawyers and judges that night, and give them all the liquor they could drink before they went away. This the Deacon agreed to do, reflecting that it was then late and that they could not drink much more, as they had to start before day-light, to be able to reach the county town in time for court next day.

When the night's carousal was ended, and the judges and attorneys had all started on the road, the Deacon retired to his marital couch and slept the sleep of the just, regardless of the admonitions of his good spouse, first telling her, however, what a sharp bargain he had made in the trade for a new cow, and how his anxiety for the welfare and sobriety of the members of the court had induced him to mix a certain quantity of water with the liquor he brought up after the trade was made. This statement somewhat mollified the acidity of the good lady's temper. In the morning she arose early, and directed the hired girl, Belinda, to go across the road and milk the new cow the Deacon had bought, as she wanted to see how "big a mess" she would give.

The girl soon returned and informed her mistress that she believed the new cow was only old Brindle *curtailed* at one

extremity and *retailed* at the other, in a way she couldn't exactly understand, yet, nevertheless, she was satisfied it was so.

The old lady strode across the street, looked at the cow for a moment from one point of observation, and then from another, until she was convinced; then, hastily returning, she dashed her sun-bonnet on the kitchen table, walked into the bed-room, and astonished the good Deacon with the following pointed remark:

"Deacon Bija Stone! you old fool! as sure as you live, you have went and gone and bought your own cow, old Brindle! And yet you said you war'n't drunk!! Them pesky lawyers will git you so drunk some night that you will sell yourself to the Evil One, and cheat him in the bargain!"

The Deacon looked at her for a moment in blank amazement, until he fully imbibed the fearful import of her words. Then he arose, dressed hastily, and started for the scene of his late purchase. As he approached, old Brindle stood quietly chewing her cud and brushing the flies off her sides with her improved attachment. She evidently didn't understand it any better than Belinda did, but appeared perfectly content with the addition made to her means of defense against her tormentors.

The Deacon looked at the familiar form of the old cow also from two stand-points, and immediately became a convert to the "Belinda theory."

Old Brindle was never seen in that neighborhood afterward, nor was the Deacon from that time ever known to take a drink. He became an earnest worker in the early temperance cause. But it was for a long time after considered dangerous to ask him the price of cows in the neighborhood.

Among the members of the bar who frequently stopped with the Deacon was one J. F., an able lawyer, an eloquent advocate, and withal an incorrigible wag and joker. The Deacon was a very warm friend and admirer of his, and used to quote him as authority on all disputed points or legal questions that arose among the gossips and habitues of his bar-room.

A new judge had just been appointed by the Governor for that circuit, and early on the morning of court week F. rode up to the Deacon's door, hitched his horse to the sign-post, and

went to the bar for his usual drink. He was met by the Deacon with a smiling face and outstretched hand. After the drink had been disposed of the Deacon said:

"Wall, 'Squire, how do you like the new judge?"

"Oh," said the lawyer, "he is a good judge but for his one weakness—his single failing."

"You don't say!" said the Deacon.

"Yes," said F. "He is a good lawyer and a thoroughly honest and upright judge, but the truth is, Deacon, he is very much given to drink."

Now, as this was some years after the Deacon's unfortunate purchase, he had almost forgotten how strong was the temptation of the social glass, and was very much shocked and grieved at the information.

"Why don't you talk to him, 'Squire," said he, "and see if you could not induce him to quit drinking?"

"I have," said F.; "so have all the members of the bar; but it does no good. Now, Deacon, if a man like you, a good, pious, temperate man, with your years and experience, would speak to him, it might do some good—if you were to tell him that the too frequent use of intoxicating liquor as a beverage, if long persisted in, benumbs the faculties, blunts the moral sensibilities, and finally leads to premature dissolution, disease, and death."

"How is that, 'Squire?" said the Deacon; "say that ag'in." F. repeated the remark with great solemnity and deliberation. "I'll do it, 'Squire, I'll do it," said the Deacon, "the first time I see the Judge."

F. mounted his horse and rode on, smiling at the thought that the Judge was only a few miles behind him on the road, and, as the morning was cold, he had no doubt that his honor would stop at the Deacon's for a drink, although he was a very temperate man for that day.

Not long after, the Judge rode up, hitched his horse, went into the bar-room, shook hands with the Deacon, and called for a "hot whiskey sling.'

"Judge," said the Deacon solemnly, "I wouldn't do it. If I was in your place, Judge, I wouldn't do it."

The Judge looked at him in astonishment, and asked him what he meant.

"The fact is, Judge," said the Deacon, "the too frequent use of intoxicating liquor, on an average, if consisted in, numbs the factories, blunts the moral senses, and finally leads to amateur disease and death."

At that moment the Judge recollected that F. must have passed along that morning, and immediately took in the situation.

"Deacon," said he, "ain't you the old fool that once got drunk and bought his own cow?"

This was the weak spot in the Deacon's armor.

"Judge," said he, his choler rising with the occasion and as he proceeded—"Judge, it's a mistake! It is false, Judge!! It's not true!!! I told Seth Jones so on last 'lection day—I told Squire Smith so last week—I tell you, Judge, it's an outrageous—infernal—!—I lie, and I can whip any man that believes the story!"

THE JUDGE'S STORY.

"Now, Judge, it is your turn," said a young member of the bar to our venerable Court after the last incident had been related—"it is your turn for a story." The good old man looked benignly at the attorney, and asked him if he ever heard of old Judge M., of Clarion county.

"Heard of him!" said the attorney. "Why, he is my father!"

"Oh, thou most wise son!" remarked the Judge, "I will tell you a story about him that happened before you were born, and probably before such a calamity was ever anticipated.

"In the early settlement of Western Pennsylvania, the production of iron from the ore was an important and profitable branch of business. Blast furnaces were built among the hills of Venango and Clarion counties, and each became the center of a thriving village. The iron-masters always kept a country store, out of which the hands employed about the furnaces were generally paid. The stock of goods usually kept in these stores was of a kind in most demand among the early settlers, and

they were marked at a price so high that it would astonish a modern merchant, and bid defiance to any known rule of profit or percentage.

"One of these furnaces was built by Judge M., a wealthy pioneer in the West, as it was then called, a most excellent man, and a great lover of a joke. He was well known and esteemed for his kindness to his employes, and for his honesty. Nevertheless, the goods with which he paid his men were marked at a price so high that it was a standing joke in that little community that the Judge's clerks had to use a ladder when they marked them.

"Among his men was one Sam S., a most industrious, hard-working man, and one who, when sober, was noted for his honesty and truthfulness. Sam was a great wag, and a great favorite with all his companions, and more particularly so with the Judge, who often said that, when sober, he was true as steel. But Sam would occasionally get on a spree, and, when drunk, became a perfect kleptomaniac. He would steal anything portable that he could find. When sober he would not seem to know how the stolen property came into his possession. One day he got on one of his periodical 'play spells,' as he called them, and that night the Judge's store was broken into and a quantity of goods stolen. The event created quite an excitement, and the next day all the loungers of the settlement were gathered at the store discussing the matter, and proposing measures to capture the burglar.

"While the excitement was at its highest, to the astonishment of all, in walked Sam with the bundle of stolen goods, and laying them down on the counter, he coolly said, 'Judge, you know I am an honest man, and a poor man, as works hard to support myself and the old woman. Wall, yes'day I got on a drunk, Judge; not a very big one, but a middlin' size drunk. I went home and slept on the hay in the barn, and this morning when I woke up I found I had *stole* these goods. Fust I didn't know where they come from, fur I don't 'member nothing about it. But when I opened the bundle and saw your price-marks, then I know'd where I got 'em. But when I took a more keerful look at the marks, I saw they were marked so high that I couldn't afford to steal them at that price, for you

know, Judge, I am a poor man, and can't stand the swindle; and if you'll take 'em back and call it square, I'll never take another drink.'

"There was a roar of laughter in which the Judge joined heartily. Sam was forgiven, and kept his word, and was never known to take a drink of liquor again. Years after, when by sober industry he had paid for a farm on which he lived, he was heard to remark that it was lucky for him that the old Judge used to mark his goods so high, for it made a sober man of him, when, but for that, he might have died a drunkard."

CHAPTER XVIII.

COMPULSION AND PERSUASION.

"See Brudder Brown—whose saving grace
Would sanctify a quarter race—
Out on the crowded floor advance,
To beg a blessin'—— "

—*Irwin Russell.*

"Where sin abounded, grace did much more abound."

—*Rom.* vi 20.

SAID a reverend friend to me once: "You can do nothing in the cause of temperance by harsh laws, or by force. The only way to make men better is to show them the evil of their ways, and try to persuade them to do right; moral suasion is the only effective means of reforming men. Did you ever know a man who became a Christian through force? Men will not be driven into the path of rectitude. Ministers don't try to drive them to the 'anxious seat'—if they did they would fail. They persuade them. All men must be sanctified through faith, and then 'divine grace' will help them. The only way to convert sinners is by the Holy Spirit acting through grace; and by grace will they be sanctified, and——"

"Stop, my friend," said I, "You are already *de profundis*—at least you are beyond my depths. You are entirely too metaphysical—I mean metaphysical in the Scotchman's definition of the word. Inquired one Scotchman of another, once: 'Jamie, what do ye mean by metaphysics?' 'Dinna ye ken, mon? I'll tell ye. Its when ain mon is spaking and an ither mon is listening, and when the mon that is listening dinna ken what the mon that is spaking means, and when the mon that's spaking dinna ken what he means himsel—that's metaphysics.'"

Let us think a moment and see if men cannot be driven.

What is the object of our penal code? Does it act by the force of moral suasion? Observe its most persuasive sentence: "And the man so offending shall be guilty of a felony, and on conviction shall be sentenced to pay a fine to the commonwealth of five thousand dollars, and undergo imprisonment by separate and solitary confinement in the penitentiary for a period not exceeding ten years for the first offense, and on conviction of the second offense, for life."

Now, it strikes me that that is a very forcible way of persuading men to abstain from the commission of crime. A man who cannot be persuaded by the seductive power of that section must be very obdurate indeed. Why do we send men to prison? Is it to persuade them? Does not the law by the infliction of its penalties drive them into the path of rectitude, and by the terrors of its punishments prevent others from committing crime? Does the fear of the gallows persuade men to regard the lives of their fellow-men, or does the fear of an ignominious death drive them to a proper respect for others' rights? Are men persuaded to run from a falling tree or a burning building? How many in this wicked world are driven to serve God through fear of the Devil? Why do ministers preach to sinners of the wrath to come, and of punishment in a future world, except it be to drive them to do right in this?

The ancients symbolized their idea of justice by the form of a beautiful woman. She was represented as blindfolded, that she might not see the differences in the social position of those who were her suppliants. In one hand she held a pair of scales at equipoise, to teach men that equal justice was dispensed to all; that before her tribunal the beggar in his rags and the millionaire clothed in purple and fine linen met as equals, and that the measure of justice that was meted out to the one was measured unto the other. In the other hand she held a naked sword, to symbolize the fact that justice was swift and unrelenting in executing the mandates of the law; for the protection which the law affords the citizen depends upon the certainty with which the penalties for its violation are inflicted. But for the persuasive power of that naked sword, men would hold their lives, their liberties, and their property, by a frail and feeble tenure indeed. The naked sword of justice is ever

present in the mind of the law-breaker, and by the effective power of fear, it, and it alone, persuades him to do right.

Mark Twain relates a western incident as follows: "Bemis once shot at the deuce of spades, nailed to a tree, with an Allen revolver, and fetched a mule standing about thirty yards to the left. Bemis did not want the mule—he had no use for it—but the owner came out with a double-barreled shot-gun and persuaded him to buy it anyhow."

That is the kind of persuasion that seems most effective to an old lawyer. The law would be totally ineffective but that, through fear, it compels men to respect the rights of their fellow-men. It is not the cunning device of the locksmith that protects our property, but the fear of the naked sword. You inclose a sum of money in a paper envelope, and send it on a journey of hundreds of miles through the mails, on its mission of business or charity. Is it the power or influence of persuasion that goes with it and protects it from the avarice of the thief and robber? By no means! The frail envelope that incloses it could be destroyed by the hand of a little child. But in all its long journey it is guarded and protected by the fears of men, and is safer far than if its only protection were "bars of brass and triple steel." Oh, how feeble would be the safeguards of the rights of men but for the might and majesty of the law! What paralyzes the arm of the murderer or stays the knife of the assassin but the fear of the naked sword of justice?

In vain do you persuade men with well-worded maxims, pious precepts and proverbs to do right. The stern and inflexible decree of divine justice, "the soul that sinneth shall die," has made more Christians and honest men than would volumes of persuasion and entreaty alone.

"Honesty is the best policy," says the maxim; that would persuade men to be honest, because it is politic to be so, and therefore as a general thing most profitable. But when the time comes that it is neither politic nor profitable to be honest, what then does the maxim teach? Why, as the only reason given for being honest is because it is the best policy, when it is no longer politic to be honest, the reason ceases, and

then what? The logical conclusion would evidently be bad morality.

I do not, of course, object to persuasion as one of the measures by which men are reformed. It is many times effective, yet it is certain that hunger and the husks had more effect with the prodigal son than an indulgent father's admonitions. "I will arise and go to my father's house." Why? Who persuaded him? No one—the stern demands of hunger, cold, and want drove him to reformation.

Persuasion is most generally like the fair words that the farmer used to prevail upon the boy to descend from the tree—when they were ineffective, it was found there was great virtue in stones. And in this great temperance reform, while I would if I could persuade everybody to abstain from strong drink, I would hang the naked sword of justice and the law over the head of the grog-seller, like that of Damocles, by a single thread; and if he persisted in selling liquor to the ruin of his neighbors, and the thread should break, I would try and restrain my emotions in such a manner that my grief would not be obtrusive.

To say that men cannot be compelled or driven to abstain from the liquor traffic by legislation is to say that they cannot be controlled or governed by law. Let us have laws that prohibit the sale of liquor under severe penalties, and those who violate them will soon discover that the arm of the law is stronger than the arm of man.

The truth is, men can be driven to do right, and by the law are so driven all along the highways of life; with grace or without it, sanctified or unsanctified, it matters not; they obey because disobedience brings punishment. As in the physical world, so is it in the moral. Men are driven by hunger to labor for food, by thirst to work for drink, and by cold are they driven to toil that they may be clothed. Man was born a slave to nature's laws, and he must obey or die; and in society every man is a slave to the laws that compel him to respect the rights of his neighbor as he would have his rights respected, and when he disregards the obligations he owes to society for the protection afforded him by the law, our courts do not try to persuade him, but he is driven by penalties to obedience and subjection.

CHAPTER XIX.

PAT FLANNIGAN'S LOGIC.

"'Tis wisdom to beware,
And better shun the bait than struggle in the snare"
—*Dryden.*

"But let the strong temptation rise,
As whirlwinds sweep the sea:
We find no strength to 'scape the wreck,
Save, pitying God, in Thee."
—*Mrs. Hale's "Alice Ray"*

"PATRICK FLANNIGAN," said the District Attorney one day in court, "stand up and plead guilty or not guilty to the charge the Commonwealth has preferred against you!"

When Pat had complied with the polite request thus made by the officer of the law, the Attorney proceeded to read from a paper in his hand a very graphic description of a certain transaction in which Pat had been engaged a few days before.

"What say you? Are you guilty or not guilty?" asked the Attorney.

"I am not guilty of half thim things ye've read to me," said Pat, looking at the Court; "but I did have a bit of a row last Saturday was a week; an' I dunno just vat I did, fer ye see I was stavin' drunk, on the meanest corn whiskey yer Honor iver tasted."

"But, Patrick, we never taste it," said the Judge, while a smile lurked in ambush behind the grave judicial countenance.

"Sure, now, don't ye, though?" said Pat, with a look of mingled surprise and incredulity—"don't ye though? Well, thin, ye ought to jist once, to know how the crather acts, an' to know how to pity a poor fellow that does. Sure, yer Honor grants licenses, an' how do ye know the mischief yer doin' to

honest men like mesilf unless ye take a drink now an' thin—jist to see how it makes a man behave hisself."

"Who gave you the liquor, Patrick?" asked the Court on a voyage of discovery.

"Well, I dunno vat's his name," said Pat, too honest to turn informer, while a gleam of true native humor twinkled in his eye. "But I know I seed a license hangin' ferninst the bar. Ye see, Judge, I was wroughtin' for the city on the streets, jist close by, an' I was drouthy, an' it was so handy, I wint in an' took a drink that ortent to 've hurt a baby; an' in tin seconds I was crazy drunk—an' I dreamt I was at a Donnybrook fair; an' that's all I remimber till nixt mornin', whin I was boardin' at Sheriff Ryan's hotel."

"But," said the Court, "you are charged with perpetrating an aggravated assault and battery on Mr. S., the hotel-keeper."

"Well, yer honor," said Pat, "if I did, I only gin him back jist vat's in his own whiskey; an' if yer Honor hadn't gin him a license, I wouldn't 've got the drink; an' if I hadn't 've got the drink, I wouldn't 've bin drunk; an' if I hadn't bin drunk, I wouldn't 've got into the fight; an' if I hadn't 've got into the fight, I wouldn't 've bin here this mornin', onyhow."

This was a process of reasoning new to the Court. It was a self-evident truth dressed in plain clothes, and while the law was with the Court, Pat evidently had all the logic, and he here summed up the mischief of the license system in a few sentences.

Scores of men are made drunk every day, just because it is so easy to obtain liquor. The law places it in reach of every man. On all the streets of our towns and cities are hung notices of "Choice Liquors," "Cool Lager," "Ale," and "Fancy Drinks," to tempt the laboring man to come in and spend the money for strong drink that his family needs for bread. On the path he must walk to and from his daily occupation he sees these temptations on every side. The licensed saloon and grog-shop afford him every facility to become a drunkard. His appetite, renewed and kept alive by indulgence, urges him on. There is no obstacle in his road to ruin—on the other hand, that road is opened and made plain and easy by the law. What won-

der is it then that the rum-shops flourish while the families of their victims starve?

Should a gambling-house be opened in our midst, straightway the officers of the law hasten to abate the evil. The owner is arrested, and the law is swift to punish the offender. Why? Because the vice of gambling affects the morals of the community. By it men's passions are depraved and their fortunes wasted away. Does not the grog-shop do more? Does it not more certainly affect the morals of society? Does it not waste the fortunes of men? Is not the circle of its baleful influence greater? Does it not affect a greater number? And more than all this—does it not also cause disease, that is transmitted from father to son, from generation to generation, poisoning the very springs of human life, while it scatters death on every side?

Is a house of ill fame covertly established? Verily it cannot long escape the notice of the moral people around it, or the lynx-eyed guardians of the public peace and welfare, and punishment dire and certain is meted out to the offender clothed in scarlet. Why, a most just, indignant, and consistent (?) people will not always wait for the slow process of the law, but, in their zeal to purify the public morals, will sometimes take the law in their own hands, and administer to the frail victims of their vengeance punishment most condign. Why is this? Because society is so careful of its morals that it will not tolerate temptations to evil in its midst. And when some feeble offender seeks to establish a place wherein to pander to the lusts of men for gain, a Christian community will not permit it. No, it tempts men to sin! Public indignation is aroused, and a mob most likely becomes the champion of virtue and morality!

But by the side of this evil stands the grog-shop, with its open portals leading from earth to hell. But it is a time-honored institution, beloved by politicians, begotten by law, sustained by license, and tolerated by a Christian people. It rears its poisoned front in all our public thoroughfares, tempts men to sin, invites them to ruin, is a source of nearly all crime, and a libel on the Christian civilization of the age. Verily do we

"Compound the sins we are inclined to,
By damning those we have no mind to."

If we may judge the tree by its fruit, the gambling hell and the house of ill-fame—bad as they are—are temples of innocence and virtue compared with the licensed bar-room and grog-shop.

If we license the sale of whiskey, why not license gambling and prostitution, or any other vice that will pay a tribute to the State therefor? Yes, why not stamp the broad seal of the Commonwealth on the very blade of the knife of the assassin? The influence of this wicked traffic is most often felt in the hand that grasps the hilt. The drops of blood on its point are but so many tributes paid by murder to the law. And if the law sanctions the influence and motive power, why should it not sanctify the instrument and approve the consequences?

Our City Council once constructed a beautiful water fountain in the centre of the public park. It was intended for use as well as ornament—it was deep and large, and was made to hold a supply of water for the use of engines in the event of fire. For a few days after its completion it was left unprotected by a railing, and late one dark and stormy night a poor laborer, who was going home from a neighboring licensed hotel (alias grog-shop), too drunk to keep in the pathway, fell into the fountain and was drowned. The body was taken out of the water the next morning, and in the pocket of the unfortunate victim was found a pint flask partly full of whiskey. He left a wife and family that depended on him for a miserable support, but, such as it was, it was better than starvation. The coroner's inquest censured the City Council for their great negligence in leaving the fountain unprotected by a railing. The citizens were indignant, and particularly the hotel (?) keeper, who had lost a good customer. Anathemas, long, deep, and loud, were hurled at the devoted heads of the "City Fathers," for their carelessness and disregard for the safety of the citizens. Grave and serious as the occasion was, I could not help smiling at the misdirected wrath of the people. It was determined to fence the fountain in immediately with a strong iron railing, to prevent such accidents in the future. I suggested

that as there were a number of bridges in the city from which drunken men might fall and be drowned, while they were fencing in the fountain, the resolution be so amended as to provide that a fence be first erected around the grog-shop, and the fountain attended to afterwards. I also mildly stated that, as a matter of economy, it would be better, for it was probable one fence would be all that was necessary, if it were erected in the right spot, to protect all the dangerous places in the city. I wanted a fence around the whiskey as well as the water. It was amusing to see the look of blank astonishment on the intellectual faces of the jurymen. The proposition was so new that it required time to take it all in and to give it that consideration which I thought it deserved, but which it never received. One of the jurors sagely remarked to his fellow, that, while the City Attorney was reasonably rational on most subjects, he was becoming positively "luny" on the question of temperance. And sometimes, when I have been talking to the average-minded citizens on this subject, I imagined that I was in some such predicament as the lunatic who, while confined in one of our asylums, was asked by a visitor why he was there, and replied that it was only for a difference of opinion; that "he thought all the rest of the world was mad, and that all the rest of the world thought he was mad, and that the world had it by a 'large majority.'"

But why not build a fence around the grog-shop, to keep the drunkard and the man that is fast becoming one from entering its vile and polluted precincts? It is much easier to do so than to fence every pool and gutter into which the poor inebriate is likely to fall. Throw around the drinking resort the prohibition of law and the ban of society; let the omnipotent voice of the people cry aloud against this evil; let public opinion speak by petition to the Legislature, in the name of justice and in behalf of poor, fallen humanity, that would do better if it could; let the people demand the protection of prohibitory laws, and the overwhelming curse of intemperance will be eradicated from our midst. "*Vox populi, vox Dei.*"

CHAPTER XX.

A POEM BY A YOUNG LADY.

THE following poem was written by a young lady who was told that she was a monomaniac in her hatred of alcoholic liquors.

The lines need no comment from me to impress them upon the mind of the reader. Perhaps many who read this page, from like experience, can most fully appreciate them. They are a vivid picture of the incidents of many a household, the sorrows of many a family who have had to mourn over a husband's frailties and a father's sins.

Our courts in vain attempt to protect the heart-broken wife from a drunken husband's blows, or the helpless children from a besotted father's cruelty. The strong arm of the law may punish, but it is only after the offense has been perpetrated. It does not interpose its hand between the victim and the drunkard's demoniac frenzy. It holds no shield between the infuriated demon its licensed cup has invoked and the unoffending objects of his drunken anger. The naked sword of justice is raised in menace and to punish, but is not interposed between the victim and the blow. No, that blow is inflicted in the privacy of home, where none can see it but those who feel its cruel torture. The law tempts the demon to the drunkard's fireside, and there leaves his family unprotected from the hellish passion its licensed influence and agency has aroused.

Like the story in the "Arabian Nights," where Aladdin had only to touch the lamp or the ring to call up the genii to do his bidding, so the man of debased appetite has but to touch with his lips the glass the law presents to him, and the demon comes, the slave of that appetite, ready to obey its behests, though it bid him murder the helpless and unoffending. In the vivid

portraying of the poem, there is a volume of argument against the traffic in alcohol and the law which sustains it.

Go, feel what I have felt,
Go, bear what I have borne;
Sink 'neath a blow a father dealt,
And the cold proud world's scorn;
Thus struggle on from year to year,
Thy sole relief the scalding tear.

Go, weep as I have wept
O'er a loved father's fall;
See every cherished promise swept,
Youth's sweetness turned to gall;
Hope's faded flowers strewed all the way
That led me up to woman's day.

Go, kneel as I have knelt;
Implore, beseech, and pray;
Strive the besotted heart to melt,
The downward course to stay;
Be cast with bitter curse aside—
Thy prayers burlesqued, thy tears defied.

Go, stand where I have stood,
And see the strong man bow,
With gnashing teeth, lips bathed in blood,
And cold and livid brow;
Go, catch his wandering glance, and see
There mirrored his soul's misery.

Go, hear what I have heard—
The sobs of sad despair,
As memory's feeling fount hath stirred,
And its revealings there
Have told him what he might have been,
Had he the drunkard's fate foreseen.

Go to my mother's side,
And her crushed spirit cheer;
Thine own deep anguish hide,
Wipe from her cheek the tear;
Mark her dimmed eye, her furrowed brow,
The gray that streaks her dark hair now,
The toil-worn frame, the trembling limb,
And trace the ruin back to him
Whose plighted faith in early youth
Promised eternal love and truth,
But who, forsworn, hath yielded up
This promise to the deadly cup,
And led her down from love and light,
From all that made her pathway bright,
And chained her there, 'mid want and strife.

That lowly thing—a drunkard's wife!
And stamped on childhood's brow, so mild,
That withering blight—a drunkard's child!

Go, hear, and see, and feel, and know
All that my soul hath felt and known,
Then look within the wine-cup's glow,
See if its brightness can atone;
Think if its flavor you would try,
If all proclaimed—*'Tis drink and die!*

Tell me I hate the bowl—
Hate is a feeble word;
I loathe, abhor, my very soul
By strong disgust is stirred
Whene'er I see, or hear, or tell
Of the DARK BEVERAGE OF HELL!

—*Anonymous.*

CHAPTER XXI.

LEGAL MAXIMS.

"A maxim is an established principle or proposition; a condensed proposition of important practical truth; an axiom of practical wisdom, an adage, a proverb, an aphorism.

—*Webster.*

"*Actus dei vel legis nemini facit injuriam.*"

"The act of God or of the law is prejudicial to no one."

This is an old and time-honored maxim of the law, so venerable that it has come down to us from past generations, gray-headed with the lapse of years, and full of the accumulated wisdom of our legal ancestors. Once, in the dark ages, before men had learned to legalize temptation to crime, it might have expressed a self-evident truth. But to-day, with the license law on the statute-book, it is a specious falsehood, a wicked and blasphemous libel on the name of the Deity.

To place the sacred name of the Creator side by side with a law that licenses the sale of liquor, and then assert as an axiom that neither the one nor the other can prejudice mankind, because alike in their attributes, is wicked profanity.

The law says that drunkenness aggravates a crime, adds to its sinfulness, for it is a sin by the law of God and a misdemeanor by the law of man. A traveler, a man of ordinary sober habits, stops at a public inn, and under "*communis error*" (which, by the by, another legal maxim says makes law) he calls for a drink because it is a cold day, and he believes it will enable him to better withstand the exposure of a day's travel in the snow and sleet.

The "man of good moral character" sets out the bottle. The traveler knows not the quality of the liquor—only the proprietor is acquainted with that secret. The traveler takes a

drink, and in a few minutes he is no longer himself. The demon he has purchased prompts him to take the life of another; reason has been driven from his brain by the very and actual presence of the alcohol there. He is arrested for murder, and pleads insanity from the drink he had a right to take, and whose unusual effect he did not contemplate. The law replies: "Drunkenness is no excuse for crime. You should not have drank the liquor." "But," replied the traveler, "if the hotel-keeper had a legal right to sell the drink, had I not a right to purchase a drink?" "Yes," says the law, "you had a right to purchase, but not to get drunk; neither to commit a crime when drunk." The traveler answers: "I did not know the liquor I took would make me drunk, any more than the man who sold it to me. He must have known the effects and qualities of the liquor he sold better than I, and when it made me drunk I did not know what I was doing. Why am I more guilty than he is?" The law answers: "Your hand alone is red with the blood of your fellow-man, and you must suffer the penalty of the law."

Now, was the act of selling lawful, and did it prejudice another?

The answer is plain. The law licenses the sale of that which every child knows makes drunkards and criminals, to the prejudice not only of the criminals, but their families; to the prejudice of the citizens who are taxed to pay the expense of the criminal courts; to the prejudice of good morals and of all who are in the remotest degree interested in the victims of this unholy traffic. And yet, with profane lips, the law utters this time-honored falsehood. Of course this maxim is held by the courts to apply in a manner different from the application I make, yet the principle of its application is the same.

The Deity acts by general laws, that equally affect all his created beings. From the insect that sports in the sunbeam, to man, the image of his Creator, the laws of vitality are the same. The physical laws that mould matter into its many diversified forms are alike under all circumstances, whether exercised in shaping an atom or forming a planet, and they must remain the same for all time to come. The moral laws that govern men are alike inflexible and unchangeable. No man can

justly claim a royal prerogative to tempt his fellow to sin, and it is useless to assert as an important practical truth that "the law prejudices no one," when it legalizes temptation and grants such a prerogative.

The maxim should be true, but it cannot be so long as a few men, for a sum of money, may purchase the right to prejudice their fellow-men by spreading temptation in their way. No man has a right to place a stumbling-block in his neighbor's pathway, lest that neighbor stumble and is injured by the fall; and if the law permits it, it prejudices the one thereby injured, and the maxim is untrue; a time-honored falsehood.

"*Qui facit per alium, facit per se.*"

"He who does anything by another does it by himself."

This is another legal maxim, and the truth enunciated therein is so plain that all can see it.

If then I permit a clerk to sell my goods, it is the same as if I sold them myself, and I am liable for all my agent may do in transacting my business, within the bounds of his authority to act for me.

Now, the law licenses A to sell liquor. A sold to the traveler, to his prejudice. The traveler is condemned by the law and punished, and the law and its agents are blameless. The agent acted within the scope of his authority in selling. The traveler had a right to drink. The effect produced by the liquor was beyond his control. That effect prompted him to commit a crime. Is he alone guilty? I advise B to rob C; C resists, and B kills him. I am responsible as an accessory before the fact, and punished with nearly the same severity as B, the principal, because it was probable C would resist, and that B would kill him to complete the crime I had advised him to commit. In other words, an accessory is responsible for the *probable* consequences of the act of the principal. Now, A had no right to sell liquor but for the permission given him by law. With that permission he does sell to the traveler; and the result, drunkenness and crime, are just as probable as that he who is advised to rob C would kill him. A knows this full well, and yet in law he is blameless. The truth is that the law is accessory to every murder committed by men who drink from a

legalized cup, and should be "hanged by the neck until it is dead;" and may God have mercy on the souls of the legislators who enacted the law, and cannot be punished in this world.

"*Salus populi est suprema lex.*"

"The welfare of the people, or of the public, is supreme law."

This is another legal maxim, as venerable in years as truth itself, full of wisdom, full of justice, and overflowing with kindness and good-will toward mankind. What a pity it is that it is not true! for true it is not, unless the liquor-sellers constitute "the people or the public." The wisest and ablest advocate of the license law in our legislative halls could not "hiccup" a respectable argument to show that the law was for the good of the public. No, it is only for a class, and the benefit they derive from it is founded upon the ruin of others. The fortunes accumulated by the liquor-sellers in every land are, like the thrones of the kings of the Cannibal Islands, built upon pyramids composed of the skulls of their victims.

Do not sobriety and industry increase the welfare of a nation? Are not intemperance and idleness a curse to a people?

Does not morality add to a nation's prosperity? Does not intemperance lead to the commission of crime, and tempt men to sin?

Is not industry better than idleness? prosperity than pauperism? morality than sin? Is it true that "righteousness exalteth a nation, but sin is a reproach to any people?" Are not these all axioms, all self-evident truths? If so, then is not the use of alcoholic drinks an injury to the public? And does not the license law promote and increase the use and sale of liquor?

Now let us apply the maxim. The supreme courts of several States have decided that the license law was not incompatible with constitutional rights. The laws that permit the sale of intoxicating drinks have repeatedly received the judicial sanction of the courts, and the right to sell liquor is to-day the supreme law of the land. No one will pretend that it is for the public good, no one believes it to be for the welfare of the people, and yet it is supreme law—and the maxim a falsehood.

"*Summa ratio est quæ pro religione facit.*"

"The highest rule of conduct is that which is induced by religion."

It is a pity that this legal maxim could not be inscribed upon the walls of our legislative halls and upon the hearts of our law-makers. If religion was the motive power that inspired and moved our legislators in the laws they enact, the liquor-license law would never have received their sanction, and now, if moved by the inspiration that comes from religion, they would erase it forever from our statute book.

As a Christian people, we are to-day, on some moral questions, far behind the semi-barbarians of the Old World. We send missionaries to convert them, when we might receive many valuable lessons of human conduct from them, and our moral condition be improved thereby. In other words, we could trade a few missionaries and religious teachers with them, "even up," and be benefited by the exchange; and I am half inclined to think that we could pay some "boot money, and yet get the best of the bargain."

Mohammed prohibited the use of intoxicating liquors among his followers over twelve hundred years ago, and to-day that part of their creed is as much respected and held as inviolate as it was in the life-time of the prophet. What a field for reformatory labor would our State Capitol afford for a number of good Mohammedan missionaries, and if they should prove successful in converting the Senate and House of Representatives, how much the cause of Christianity would be advanced thereby. But I fear me it would be a hopeless task, unless the missionaries were first naturalized so they could vote—then their influence might prove effective.

Why is it that modern Christians are, on the subject of temperance, so far behind the nations of the far-distant past? The Chinese forbade the use of wine eleven hundred years before Christ, and that prohibition remains there to-day. Carthage prohibited its use among the soldiers, Lycurgus, the Spartan law-giver, punished intemperance as a crime, and Romulus sentenced women to death for intoxication—what he did with the men I don't remember, but if they did not vote they were undoubtedly punished severely. If "the highest rule of con-

duct is that which is induced by religion," then it must follow as a moral sequence, that as a religious people we ought, as a duty we owe to God and man, to abolish the sale and use of alcohol. Can there be such a thing as a Christian drunkard? If not, can there be a Christian people who promote drunkenness by law and increase it by license?

A celebrated evangelist preacher once met a drunken man in the streets of Cincinnati The man had once been a member of a Christian church. He recognized the preacher, and going up to him, offered him his hand. The evangelist did not recognize him. "Why," said the man, with maudlin familiarity, "don't you know me? You converted me once." "Did I?" said the preacher; "well, you look just like one of my jobs. Now, if God had converted you, you would have washed your face this morning, and been a sober man to-day. But I do some very bad work that I am sometimes ashamed of." Probably that evangelist had once been a chaplain of the House of Congress.

"*In fictione juris semper æquitas existit.*"

"In fiction of law equity always exists."

This maxim is too true, I am afraid, for the welfare of those who ask equity of the courts. There is too much fiction in proportion to the fact. Grotius says, "Equity is the correction of that wherein the law by reason of its universality is deficient."

Is it equity to apply the universal rule of law that punishes the willful criminal to the man no is tempted to drink by legalized agents of the law, and under the influence of liquor commits a crime while almost unconscious of what he is doing. Is it equity for the law to say, I will tempt you to sin, and the temptation shall aggravate the offense? Is it equity for the law to excuse the accessory before the fact, and punish the principal, who would never have committed the crime but for the influence of the accessory? Is it equity to license accessories all over the land to tempt men to violate the law? Is it equity to spread snares in the way of the weak and obstructions in the path of the strong, and then punish those who stumble and fall? Is it equity to fill the public treasury with the price of the happiness and welfare of the citizens? Is it equity to

make drunkards of one class of men by license granted to another? Is all this equity? If not, then this maxim is true, and in law equity exists more in fiction than it does in fact, "and is a thing to be dreamed of but not enjoyed."

"*Tape* often proves a topping *cheat*." "*Liquor often leads to the gallows.*"—*Maxim of the thieves' dialect.*

This maxim is not written in high sounding Latin. It is not a legal maxim, but it should be. There is no hypocritical cant in it, but it states an ominous fact in language so plain that even a child can understand it. It contains no specious falsehood concealed beneath the gloss of rhetoric or the covering of glittering generalities; but enunciates an axiom as forcibly as was ever uttered by the lips of sage or savant.

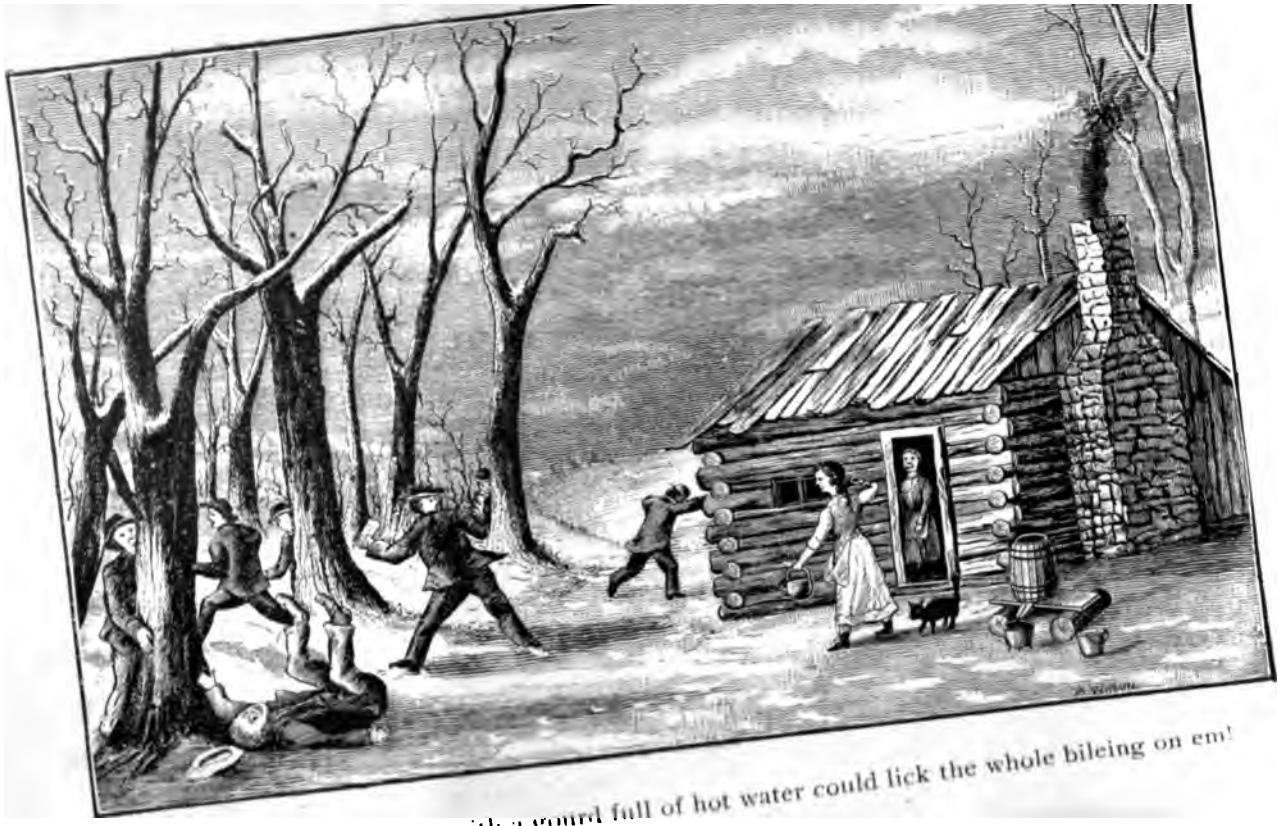
"LIQUOR LEADS TO THE GALLOWS"

Says the maxim of the pariahs of society, the Ishmaelites among men; yet it could well be adopted as a part of the moral code of the world. The sacred volume itself does not contain a greater truth or one more succinctly stated. Though uttered in the phraseology of outlaws—thieves and burglars, and by lips poisoned by sin and profanity, yet its startling truth would well become the sacred desk, and its teachings reinforce the moral obligations of mankind.

Yes "*liquor does lead to the gallows.*" The path from the licensed drinking resorts to an infamous death is made plain and easy by law; and although that path may lead through a life of pauperism and crime, yet all along its way it is marked and illumined by those legalized beacon lights, the "saloon" and "bar-rooms!" Everything that the law can do by licensed franchises is done to speed the traveler on his way. His property is cared for by the Sheriff and legal processes. His family provided for in poor houses and hospitals: and unincumbered by business he is hurried along with no baggage to retard his progress—and no luggage save a depraved appetite and a conscience seared to insensibility.

In this country the road to wealth is rough and filled with obstacles. The way to fame is steep and rugged. It is the path to infamy and death alone that is made easy by special privileges, and legal enactments; and coming from whatever source

they may danger signals should not be disregarded by the travelers on life's thoroughfares. Though this maxim is of vile parentage and the child of infamy, yet the truth it enunciates should shame the laws of a Christian commonwealth.



I know'd one old woman with a gourd full of hot water could lick the whole bileing on em!

CHAPTER XXII.

THE YOUNG MOTHER, THE GOOD SAMARITAN, AND THE MAN OF GOOD MORAL CHARACTER.

"Then gently scan your brother man,
Still gentler, sister woman:
Tho' they may gang a kennin' wrang,
To step aside is human.
One point must still be greatly dark,
The moving why they do it:
And just as lamely can ye mark,
How far perhaps they rue it.

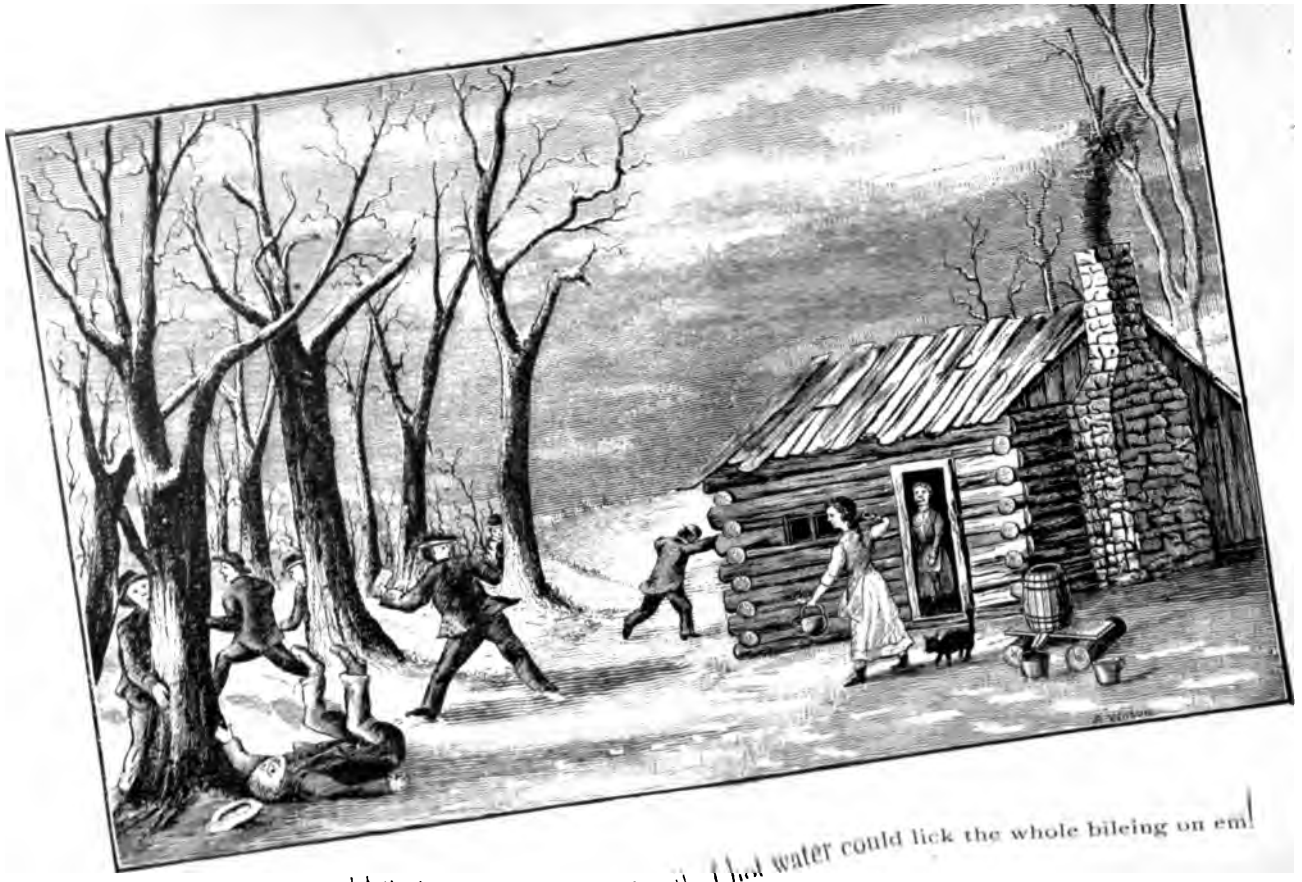
Who made the heart, 'tis He alone
Decidedly can try us:
He knows each chord—its various tone,
Each spring, its various bias:
Then at the balance let's be mute,
We never can adjust it:
What's done we partly may compute,
But know not what's resisted."

Burns.

"Misfortune may benight the wicked
Who, now & then, may slightly err:
Heaven sees not with an angry look
Beneath no fear."

Hannah ...

THE Judge had just delivered his charge in a case of considerable importance in which I had been engaged. The jury had retired, and, wearied with a long and tedious trial, I took up a newspaper, and, seating myself in a retired portion of the bar, sat reading, resting, and "waiting for a verdict." The Court had directed the District Attorney to take up the "jail cases," remarking that he understood there were a number of prisoners in jail awaiting their trial, and that those cases should be disposed of first. The Sheriff had gone to bring up the prisoners, and, glad of a few hours' respite, I sat almost unconscious of what was transpiring in the courtroom, and deeply interested in an account of Nasby's troubles in his efforts to get the



... water could lick the whole bileing on em!



CHAPTER XXII.

F YOUNG MOTHER, THE GOOD SAMARITAN, ID THE MAN OF GOOD MORAL CHARACTER.

"Then gently scan your brother man,
Still gentler, sister woman:
Tho' they may gang a kennin' wrang,
To step aside is human.
One point must still be greatly dark,
The moving why they do it:
And just as lamely can ye mark,
How far perhaps they rue it.

Who made the heart, 'tis He alone
Decidedly can try us:
He knows each chord—its various tone,
Each spring, its various bias;
Then at the balance let's be mute,
We never can adjust it:
What's done we partly may compute,
But know not what's resisted."

—*Burns.*

"Misfortune may benight the wicked;
Who knows no guilt can sink beneath no fear."

—*Habbington.*

The Judge had just delivered his charge in a case of considerable importance in which I had been engaged. The jury had retired, and, wearied with a long and tedious trial, I took up a morning paper, and, seating myself in a retired portion of the court reading, resting, and "waiting for a verdict." The Judge had directed the District Attorney to take up the "jail cases," remarking that he understood there were a number of prisoners in jail awaiting their trial, and that those cases should be disposed of first. The Sheriff had gone to bring in a prisoner, and, glad of a few hours' respite, I sat almost unconscious of what was transpiring in the court-room, and deeply interested in an account of Nasby's troubles in his efforts to get the

Democracy of the "Corners" to ratify the nomination of that great original Democrat, Horace Greeley, for the Presidency. I was interrupted in the most convincing part of the great statesman's speech at Bascom's grocery, by the Judge calling my name. I looked up and saw the attorneys in the bar smiling "broadly" at something that had been said or done. In the criminal box I saw a young girl, not yet—as I afterward learned—fifteen years of age. She had just been brought into court from the jail on a charge of larceny. She was very dirty, and yet very pretty, and stood looking at me, at the Judge, and at the crowd in the room with a startled expression, like that of some untamed wild animal that had just been caged, and had not yet decided whether its captors were friends or enemies.

"Mr. R.," said the Judge, "here is an appeal to your gallantry. This little girl is indicted for the larceny of a small amount of money. I asked her if she had an attorney. She says she has not, has no money to pay one, but informs the Court she would like to have Mr. Al. R. defend her. Will you do so?"

"Certainly, your honor," I answered, "if the Court will permit me to have a few moments' conversation with my client."

"Yes," said the Judge, who was always fond of a joke, and particularly at the expense of the members of the bar—"yes, there can be no harm in that, provided it is done under the eye of the Court. You can take your client to the back part of the court-room, where I see some empty seats, and confer with her, while the Sheriff acknowledges his deeds."

The attorneys and bystanders laughed at the sly innuendo in the Judge's remark, and one would have supposed that a farce or broad comedy was about to be enacted, instead of the trial of a young girl for the commission of a serious crime, that would, if she were found guilty, stamp upon her fair, though, alas! for the romance, somewhat dirty young forehead, the brand of felony, and send her to prison.

She, in a simple yet intelligent manner, told me her story. Her father had once been a respectable farmer in our county; was well-to-do, and the owner of a comfortable farm. He had been addicted to drinking for a number of years; the habit in-

creased; he always kept liquor in the house; and at last his wife, the young girl's mother acquired the appetite, and they both became inebriates. The farm and property went—poverty and beggary followed. The habits of the father and mother brought low and vile associates and companions to their miserable hovel. The little girl had from her infancy been surrounded by drunkenness, debauchery, and vice. She did not know what sin was, because she had never been taught what its opposites, virtue and morality, meant. To her, home was a pandemonium where she saw nothing but the vilest licentiousness, and heard nothing but ribaldry and profanity. The missionaries, on their journey to Christianize the Western savages, had passed unheedingly her father's hovel and the near-by whiskey-shops. She said a good lady had once given her a Bible, but she could not read it, and her father had traded it off for whiskey.

At the early age of fourteen years she became a mother, while she seemed but a child herself. She had no clothing for her little babe, and only a piece of an old blanket to wind around the little waif, which, although thus scantily protected from the cold, was enveloped and enwrapped in a mother's love as pure and self-sacrificing as any that ever illumined and made happy the palatial home of wealth and affluence. Yes, the little stranger, though marked in its birth by a philanthropic and Christian world as a child of sin and infamy, all unconscious of its sinful origin, smiled in the wretched mother's arms, and was to her yearning heart a sunbeam from heaven, that illumined the dreary, clouded landscape of her young life with the radiant beams of a mother's love. She now had something to love and to live for. What was the world's opinion to her? She did not even know what it meant. The world's scorn had no terrors for her, for she had been a drunkard's child from her birth, and had never known anything else; but God had kindled beneath her bosom the Promethean spark of a human soul, a spark never to be extinguished; and now she clasped the despised little casket that held an immortal spirit to her bosom, and for the first time in her wretched life felt the pleasure of having something to care for and the holy bliss of maternal love.

On a cold and stormy night in the month of March, a few weeks after the birth of her child, her drunken father and mother had turned her out of doors. She wandered along in the snow and the sleet until she came to the licensed hotel where her father had been made a drunkard, and where she had obtained for her mother the liquor purchased with the wages of sin. Here she stopped, and asked the man of "good moral character" to keep her and her child over night. He would have refused, but feared they might perish with the cold, and then what would people say of him? Not from charity or any feeling thereof, but because he dared not do otherwise, he permitted the poor half-frozen girl to warm herself and her child for a few moments at the kitchen fire. While she was doing so a neighbor came in and paid him a two dollar and seventy-five cent county order on some former indebtedness—probably for whiskey.

The little girl saw him fold up the order and put it in his vest pocket, and hang the garment on a nail. She was given a blanket for a bed, with the permission to lie down on the floor until morning, and told that she must then leave and never come back there again. That night she took the money from the vest pocket, and early the next morning started on her weary road to the little village of G——, a distance of fifteen miles. On reaching the town she went to a store, and with the order purchased some material to make clothing for her child. From there she walked, almost barefooted, a distance of ten miles, to the house of an old woman who had been no saint in her day, and therefore had no virtuous conscientious scruples against receiving into her house an outcast girl and her child. It was lucky for the poor thing that it was so, or the door might have been closed against her, and herself and child left to die on the road.

The next day the owner of the "moral character" spoken of discovered his loss, and straightway a complaint was made before a justice. The insulted "peace and dignity" of the great Commonwealth were aroused, and at public expense an officer clothed all over with the majesty and power of the law was sent on the track of the little girl. She was traced to the village of G——, to the store, where the order was found and

identified, and then the legal sleuth-hound tracked her with commendable zeal through the snow of the fields and woods to the house of the old sinner who had dared to play the part of the good Samaritan, and become an "*accessory after the fact*" by aiding and harboring a felon. The criminal herself was quietly sitting by the fire, making some baby-clothes, while the old woman had the child in her lap and was filling its little ears with the only words of love and kindness it had ever heard except from the lips of its sinful mother.

The officer of the law entered the house or cabin with the imposing mien of a man "clothed with a little brief authority," and with the sternness of manner usual to men in high official position, informed the frightened girl that she was his prisoner. The wicked old Samaritan expressed some doubt of the fact thus stated by the constable, and placing the baby in the lap of its weeping mother, she picked up the poker and proceeded to argue the question with the legal official in a manner so convincing that he retired from the controversy, and seemed himself to doubt the power of the law in such cases made and provided. He retired in good order, while the very woods resounded with the emphatic remarks made by the old woman to encourage him in his retreat. He soon returned with a posse of good citizens, all determined to arrest the criminal or perish in the attempt. Again old Samaritan was equal to the emergency. She met the men at the door with a kettle of boiling water in one hand and a gourd in the other, and informed them, in a style of language highly ornamented, that there were not men enough in Greenwood township to take the girl until she was ready to let her go, and that go she should not until she had time to make her baby some clothes, for it had never been dressed since it was born. She also, in a few brief but appropriate remarks, advised the men to return to the bosoms of their families, or something might happen that would render it difficult for their friends and relatives to recognize them on their return. She said that as soon as the clothes were made she would bring the girl down to the justice who issued the warrant, and she invited all her acquaintances to call on her there, but to please excuse her for the present, as some soap she was boiling over the fire needed looking to. She retired and closed

the door in the face of law and justice, who also retired, for the the old woman was well known,

> **"And they all had trust in her cussedness**
> **And they know'd she'd keep her word."**

Two or three days after, she appeared, as per agreement, before the justice, accompanied by the little mother and child. The owner of the "character required by the law for a whiskey-seller" appeared and testified. The county order was identified, the testimony conclusive, and for want of bail the mother was sent to jail, where she was imprisoned for a number of weeks awaiting her trial.

Thus the matter stood on the morning of the day when I was asked to defend her. I knew that it was a hopeless case, that there was no chance for an acquittal, and so informed the poor girl. "Will they take my little baby from me," she inquired, "if they find me guilty?" I told her I feared they would, but that it would be well cared for, and when she got out of prison it would be given to her again.

"They shall not take my child from me," she exclaimed passionately. "I will die first! It is all I have in the world. I don't care what they do with me if they do not take my baby away. I never would have taken the money for myself, but my baby had no clothes, and I was afraid it would take a cold and die. Oh, if father and mother had not been drunkards I would never have been as I am. Mr. S., that keeps the tavern where father and mother get their liquor, has got all of father's property and my Bible the lady gave me, and I only took two dollars and seventy-five cents of his money; and last fall I husked corn for him, and he said he would pay me, but he paid father and mother in whiskey, and wouldn't give me anything; and then I got sick and couldn't work, and nobody would help me, and I had to steal, or may be my baby would have died."

I told the poor child I would do all I could for her, and we took our seats within the bar, amid the smiles of the attorneys and audience, but I never felt less like smiling than I did then.

The jury was empaneled, and the cause proceeded. The prosecutor testified in a peculiar drawling tone that excited the mirth of the by-standers. Everybody laughed, particularly

when he said, on cross-examination, that he prosecuted the young girl from a "sense of Christian duty," because she was so wicked as to steal. The whole trial seemed to excite no other feeling than that of merriment, and when the witnesses narrated the scene when the constable went to arrest the prisoner, even the court smiled a grave, judicial smile.

We called the old woman in defense. After she had related the circumstance in her own peculiar style, the Judge told her that she had done very wrong in obstructing the execution of a legal process. She replied, "Judge, I didn't 'struct no execution; I jest told them galutes they shouldn't take the gal till she had made her baby some clothes; and they shouldn't, Judge, now that's so, true as you're born. I didn't intend to hurt 'em. You see, I know'd the fellers well, and I know'd one old woman with a gourd full of hot water would have licked the whole biling of 'em, and I thought it a shame for a whole lot of men to turn out to take one poor little gal. But they couldn't have took her while I was there, Judge, but I didn't 'struct no execution. If they had said they had one, I'd paid it off, and gin old S. back his two dollars and seventy-five cents, though he's rich and I am a poor old woman. What was the great hurry ennyhow? I know'd the law could wait for the gal better 'n the baby could wait for its clothes. You ought to have seen it, Judge; it hadn't anything on but an old rag wrapped around it, and it was a'most perished with the cold. And I knew it wouldn't hurt old Skinflint to have gin the girl the money. He has got all her father's property, Judge, and it all went for whiskey. The gal's father was a nice, hard-working man, until old S. got a license to sell whiskey, and he ruined him and lots of others I know of, too. There was Mat B. got drunk at his house the night he went a-fishing, and was drownded. Old Sam D. got drunk at his bar, and went and hung himself. I tell you, Judge, if he does pray in meeting, he is an old hypocrite, and hain't got any more religion than I have, and I s'pose I hain't got a stock more 'n will put me through the winter. But I don't sell whiskey and ruin folks, at any rate."

The old woman looked complacently around the room as she finished her remarks, gave Mary an encouraging smile, and

left the witness stand with the consciousness, on her part, of a duty well done, and the approving smiles of the members of the bar and the audience.

The case went to the jury, and I could not help indulging in the following reflections:

Were we in the halls of justice? Was the divine goddess really blind? Was she so thoroughly blindfolded by the symbolical bandage over her eyes that she in reality could see no difference in the social position of those who knelt at her shrine and asked protection at her tribunals? Here was a young girl on trial for the commission of a crime for which, if found guilty, she would be sent to prison, to consort with thieves and offenders of the worst character, and for months would be surrounded by the most depraved influences and the vilest companions. And although she was soiled in person, yet she was too young and inexperienced to have been indelibly stained in mind and soul. The whole trial had been conducted with a spirit of levity that illy became the Temple of Justice. I thought how different it would have been had the defendant been a daughter of one of our respectable, wealthy citizens. How frequently the question would have been asked and answered in the same breath: What! Miss Pecksniff, the daughter of our worthy townsman, the Hon. Mr. Pecksniff, accused and indicted for stealing! It can not be so! What an interest society would have taken in the trial! There would have been no unseemly joking or mirth in the court-room; all would have been as solemn as the chamber of death. The defendant would have been accompanied by a score of female friends. The morning papers would have informed the deeply interested public that the defendant, a beautiful and interesting looking young lady, was dressed in black silk, trimmed with heavy thread lace, and that her hair was arranged *a la pompadour*. The sorrow of the Hon. Mr. Pecksniff and his lady would have been spoken of in the most feeling terms, and Justice herself, from her elevated pedestal over the jury-box, as she squinted down along her nose from under the bandage over her eyes, would in haste have concealed her naked sword beneath the folds of her ample robe. The jury would have said it can not be; a young lady so respectably connected and so well dressed

would not steal—forgetting the principal reason, that she had never been tempted; and a verdict of "not guilty," without leaving the box, would have been received by the Court and the public with general approbation.

But the defendant in this case was a beggar, the child of a drunken father and mother, a victim of the intemperance of those she could not control. She was one of that great class of offenders manufactured out of the children of the poor every year, by the license laws of a Christian country. True, she was prompted to commit the crime by the purest and holiest feeling that animates the human breast—a mother's love. She took a few shillings from the man who had, through the agency of whiskey and license, robbed her father of all his property. She believed it was her just due for the labor her little hands had done for him in his field of corn. Her little child was suffering with cold. She did not steal—she did not take the money "*animo furandi*," it was not done with "evil mind or with the mind of a thief," but it was done in answer to the instinctive appeal of her little child; and before the throne of God's justice she was no thief, though human tribunals might condemn her. And started though her young life might have been by unconscious sin, a vagrant, a drunkard's child, and an unnatural mother, yet was she as pure as the unsoiled snow when compared with the "man of good moral character," who seduced her from a sense of "Christian duty, because she was poor," and who, in the exercise of the privilege the law gives him, had beggared her father, and thrown around her child the net of circumstances that made her what she was.

I said all this to the jury, and much more; yet, under the charge of the Court, they returned with a verdict of guilty, with strong recommendations of mercy.

While I was talking to the jury I thought the Judge was somewhat affected by the friendless condition of the poor little waif in the prisoner's box, and as soon as the verdict was rendered he spoke kindly to her, telling her to stand up, and said:

"Mary, the jury have found you guilty, and recommend you to our mercy. We are very glad they have done so. We will suspend the sentence until some future term of court. We

do not believe that you are a thief, but, poor child, we believe that you are more sinned against than sinning; that others will hereafter have to answer for your acts and your transgressions before a higher Court than ours. You may go, Mary. Be a good girl in the future. You did very wrong in taking the money of Mr. S. Never do a like act again; and when the Court wants you for sentence we will send for you. You may go now."

The little girl looked at the kind-hearted old Judge, and said: "Oh, please, sir, may I have my little baby?"

"Yes," said the Judge, with a moistened eye—"yes, Mary, take your little baby, and be good to it, and no one shall take it from you."

The little girl stepped out of the prisoner's box, and started to go out with the Sheriff, when she suddenly stopped, turned toward the Court, and said "Please, sir, won't you tell Mr. S. not to sell any more whiskey to my father and mother?"

"Yes, I will!" said the Judge, sternly. "Clerk, enter a rule on Mr. S. to show cause why the license granted to him should not be revoked, and make the rule returnable forthwith. The evidence in this case has shown him to be unworthy, and not a proper man to be trusted with a privilege so dangerous to the public as a license to sell liquor."

The rule was, on hearing, made absolute, and thereby a nuisance was abated that had ruined a number of men, and cost the county a large amount of money to punish the crimes and misdemeanors begotten by its influence.

SEQUEL.

A number of years after the incident above related a friend of mine was a candidate for a prominent office in our judicial district. He requested me to go through the county for him and represent to the voters his virtues and pre-eminent qualifications for the office which he sought to attain by the votes of the people. I set out on my pilgrimage, and in my wanderings one summer morning I found myself in a little village in a very rural district some twenty miles from the county seat. Having met most of the intelligent voters of the place at the black-

smith-shop, and corner of the street near the "tavern," and having in the most glowing terms set forth the claims and qualifications of my friend for the office he sought—leaving the voters astonished at the fact that a man so well qualified, so able and worthy, had lived among them so long and they not known it—I sought other fields of conquest. I was advised to see Mr. W., of ——— township, and was informed that he was a most excellent and influential man. About 11 o'clock A. M. I drove up to his house, hitched my horse to the "bar-post," and went to the door of a neat, cosy little farm-house, where I was met by a smiling, good-looking matron, who, as she held held out her hand, greeted me with, "Good morning, Mr. R., I am very glad to see you. Walk in." I wondered at this cordial and familiar greeting, and asked for Mr. W. She said he was in the field at work, and, calling a little boy some ten years of age, told him to run and tell "*daddy*" a gentleman wanted to see him. In a few moments he came; and with a cordial grasp of the hand, said he too was glad to see me. I commenced to tell him my business, and was about to give him an inventory of my friend's qualifications for the office, when he interrupted me with the remark that he never talked politics when he was hungry; that he would "put out" my horse; and then, while the "old woman" was getting dinner, we would talk. I thanked him, and tried to excuse myself from giving him any trouble, &c., &c., when he said, "No, you don't go away from my house without dinner."

"While he was "putting up" my horse, I had time to look around me and to notice the air of thrift and comfort in the house and its surroundings. It was a pleasant, comfortable "farmer's home," showing very plainly that while the farm was managed with intelligence and industry, the house also owned the sovereignty of a good mother and housekeeper.

Dinner was soon ready—a plain, substantial, savory meal; and I could not help wondering why I was treated so kindly—for during a political campaign voters in the country are so unmercifully bored by candidates and their friends that the annoyance of the "lightning-rod men" and "book agents" dwindles into comparative insignificance.

During the dinner I had tried in vain to convince my host

that the safety and welfare of the country depended on the election of my friend. He listened patiently, but somehow did not seem to be convinced, although I found an unexpected support in his comely wife, who confirmed in the most positive manner all I said—and I am afraid some things that sorely needed confirmation. But I was not experienced then, and had not learned the fact now so apparent to me, that in electioneering, the old politician, in representing the claims of those he advocates for office, is always governed by an unswerving regard for truth.

The dinner over, my horse was brought out; and I was about leaving, when I sadly and pathetically remarked: "I am very sorry, Mr. W., that you will not promise me to give my friend your valuable support."

He seemed to hesitate, when his amiable wife said with a smile, "Don't be uneasy, Mr. R.; for he shall support your man. I won't give him a minute's peace unless he does. I know how to convert *him* better than you do."

I thanked the good and evidently very intelligent woman, and told her that I was under great obligations to her for her timely and unexpected support, when she replied, with evidently suppressed emotion: "Mr. R., it is I that am under obligations to you that can never be paid. But I don't believe you recognize me. I am the little girl that you defended in court for taking old S.'s money—the one you saved from prison. I have a good home, a kind and good husband. I am a member of a church, and try to be a Christian woman; and a thousand times I have prayed God to bless you for your kindness to a poor little homeless, friendless girl, who was made a criminal and nearly ruined for life by the influence of whiskey."

The husband, who had gone for a pail of water for my horse while his wife was thus talking to me, came up and said: "Mr. R., if my wife wishes me to support your man, I suppose I *shall have* to do so. She is a good, faithful wife to me, and I will do as she wishes, as there is no principle involved in this contest, and it is only a choice between two good men—although I like the other candidate the best; but you can rely on my support."

I drove off full of material for reflection; and I thought it is true indeed that kind acts are many times "bread cast upon

the waters"; and I also thought of the stain that a Christian world thinks indelible, that a wicked influence had cast upon the youth of that good woman, who now seemed to take pride in the remark, "I am a member of a church, and try to be a Christian"; and I thought how unforgiving was the world toward those who had committed some sins; while by law it permits the influences that beget those sins to flourish on every hand.

CHAPTER XXIII.

THE GROG-SELLER'S DREAM.

"O I have passed a miserable night
So full of ugly sights, of ghastly dreams,
So full of dismal terror was the time."

—*Shakespeare.*

"Woe unto him that giveth his neighbor drink, that puttest thy bottle to him and makest him drunken also, that thou mayest look on their nakedness.

"Thou art filled with shame for glory: drink thou also, and let thy foreskin be uncovered; the cup of the Lord's right hand shall be turned unto thee, and shameful spewing shall be on thy glory."

—*Habakkuk*, 2: 15, 16.

TWENTY-FIVE years ago a gentleman delivered a temperance lecture in our town. At the close of his lecture he recited a poem called "The Grog-seller's Dream." It made such an impression on my mind that I was able to repeat the greater part of it. I don't know who was the author, have never seen it in print, and can only give it from memory. Where my memory has failed me I have endeavored to supply the parts not remembered by giving the ideas in my own words. The poem ought to be published by its author and circulated as a temperance tract. It is needless to say that the original is much better than the version I am able to give.

"The grog-seller sat by his bar-room fire,
His feet were high as his head, and higher,
And he watched the smoke as he puffed it out,
That in spiral columns curled about,
Veiling his face in its fleecy fold
As lazily up from his lips it rolled,
While a doubtful scent and a twilight gloom
Were slowly gathering to fill the room.
To their drunken slumbers, one by one,
Foolish and fuddled, his guests were gone;
To awake in the morn, with a drunkard's pain,
With a trembling hand and a reeling brain.

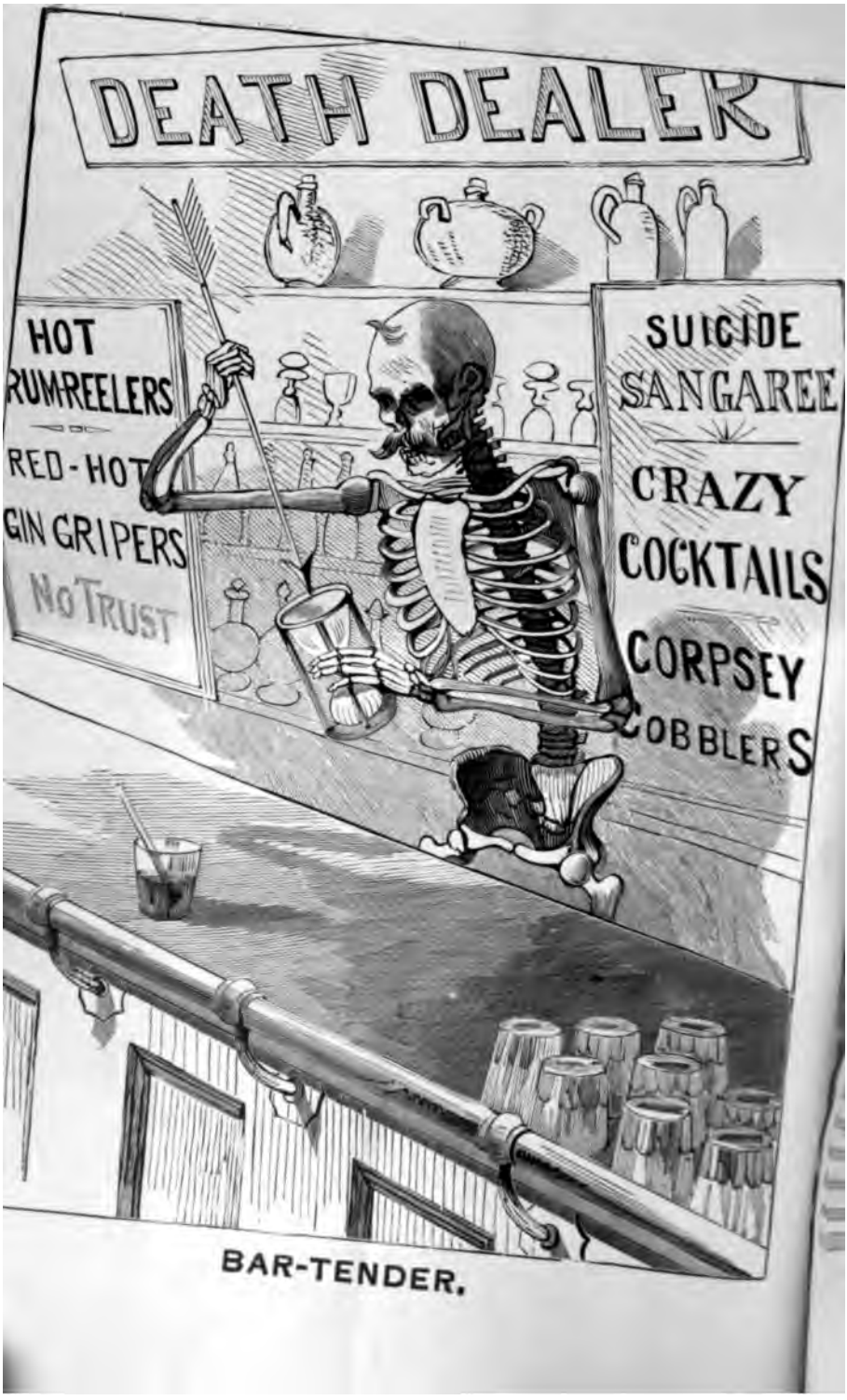
Drowsily on the air broke the watchman's cry
'Past twelve o'clock, and a cloudy sky!'
But our host sat silent yet, and shook
His head, and winked with a knowing look
'Ho! ho!' said he, in a chuckling tone,
'I know the way the thing is done!
Twice five are ten, and another V
Two ones, two twos, and a ragged three
Make twenty-four, for my well-filled fob,
On the whole it's a good night's job.
The fools have drunk my brandy and wine—
Much good may it do them—their cash is mine.
There is Brown, what a jolly dog is he!
And he sprees it the way I like to see;
Let him go awhile at this reckless rate,
And his farm is mine as sure as fate;
Dropped in my pocket from time to time,
Dollar by dollar, and dime by dime.
I've a mortgage now on Tompkins' lot,
What a fool he was to become a sot,
But it's luck to me—and in a month or so
I shall foreclose—and the scamp must go.
Zounds! won't his wife have a 'taking on'
When she finds their house and lot are gone;
How she will blubber and sob and sigh,
But business is business, and what care I?
And Tom Bain murdered his wife, they say.
Why, he was drunk as a fool here yesterday,
And I warned the brute—as I went to fill
His jug—but the fool would have his will.
And folks blame me—why, curse their eyes,
If I had not sold him, he'd got it at Bly's.
I've a right to engage in a lawful trade,
And take my chance where cash is to be made,
And if men get drunk, and go home to turn
Their wives out doors, it's their own concern.
But I hate to have the women coming here
With their silly complaints and maudlin tears,
With their swollen eyes and haggard looks,
And their speeches learned from temperance books;
With their lean, pale children—whimpering fools,
Why don't they send them to the public schools?
I have a license to sell brandy and wine;
Let people look to their interest—I will to mine.
If 'tis wrong to sell whiskey, brandy, and gin,
Why don't our law makers declare it a sin?
If I pay for a license I have a right to sell,
Though it depopulates earth and peoples Hell.
If rum selling is lawful, and fools will drink,
The joke is on them—not on me, I think·

And I will turn no customer away,
Who is willing to buy and able to pay.'
And he softly chuckled 'Ho! ho!! he! he!!
And he rubbed his hands in quiet glee.
Ho! ho!! he! he!! it was an echo sound;
Amazed, the rum-seller looked around,
This side, and that, through the smoke peered he,
But nought but the chairs could the grog-seller see.
Ho! ho!! he! he!! it was a guttural note,
And seemed as if it came from an iron throat;
And his knees 'gan to quake and his hair to rise,
And he opened his mouth, and strained his eyes,
And lo! there, in a corner dark and dim,
Stood an uncouth form, with a visage grim;
From the tangled curls of his shaggy hair
There sprouted of hard, rough horns—a pair,
While redly his scowling brows below,
Like sulphurous flames, did his small eyes glow;
Dark was his forehead, and rugged and scarred,
As if by a stroke of lightning marred,
And his lips were curled in a sinister smile,
And smoke belched forth from his mouth the while;
His feet were shaped like bullocks' hoofs,
And the boots he wore were caloric proof.
Small clothes he wore, of an amber hue,
From the rear of which a tail peeped through;
In his hand he held—if hand it was,
Whose fingers resembled a vulture's claws—
A three-tined fork, and its prongs so dull
Were thrust through the sockets of a grinning skull.
Slowly, like a sceptre, he waved it to and fro,
While he softly chuckled, 'He! he!! ho! ho!!'
And all the while were his eyes, that burned
Like sulphurous flames, on the grog-seller turned;
Whose eyes, on the monster grim were glued,
But whose tongue was stiff as a billet of wood.
Despair and horror were in his look,
And his shuddering bones in their marrow shook.
But the fiend laughed on, 'He! he!! ho! ho!!'
And ever the skull waved to and fro;
Then nodding the horns of his grizzly head,
'Why! what is the matter, my friend?' he said;
'You surely have nothing from me to dread;
We have known each other so long and well,
And I love you more than I can tell;
Yet it seems to me but a welcome cold
You give to a friend so true and old,
Who has been for years in your employ,
Running about like an errand boy.
Perhaps you don't know me, or you'd be more civil;
In the place where I live I'm called the D—l.'

Like a galvanized corpse, pale and wan,
Up started instanter the thunder-struck man.
'The D—l! you don't— 'Yes, I do,' said old Nick.
'And if you wish for the proof,
Just twig my horns, my tail, and my hoof.
And having come from a warmer clime below
To chat with a friend for an hour or so,
And the night being somewhat cold, I think
You might ask an old fellow to take a drink.
Come now let it be of the clear, pure stuff,
Sweetened with brimstone—a quart's enough:
And put the mess in an iron cup,
And heat by the fire, until it bubbles up.'
As the Devil bade, the grog-seller did,
Filling a flagon of gin to the lid,
And when it boiled and bubbled o'er,
The fiery draught to his guest he bore.
Old Nick at a swallow the liquor did quaff,
And thanked his host with a guttural laugh.
But faint and few were the smiles, I ween,
That on the rum-seller's face were seen,
For a mortal fear was on him then,
And he thought the ways of other men
He should tread no more—that his hour had come,
And his master, too, to take him home;
While thought went back to the darkened past,
And shrieks were heard on the wintry blast,
And gliding before him, pale and dim,
Were uncouth forms and spectres grim;
And there, amid that ghastly train,
He saw the murdered wife of Thomas Bain,
And he shivered and shook in every limb,
As if an ague fit had hold of him.
But the fiend laughed on, 'Ho! ho!! he! he!!'
And he switched his tail in quiet glee.
Then he scraped his hoof on the burning grate,
While grins and smiles did alternate—
O'er his visage grim—as he shook his head
And to the shuddering grog-seller said:
'Do you think I have come for you! Never fear
You can't be spared for a long while here.
There are hearts to break, and souls to win
From the ways of peace to the paths of sin;
There are homes to be rendered desolate,
There is trusting love to be turned to hate,
There are hands that murder must crimson red,
There are hopes to be crushed—blights to be shed
O'er the young, and the pure, and the fair,
'Til their hearts are broken by the fiend despair,
And the hand that should shield the wife from ill,
In its drunken wrath, must be raised to kill.

Oh, this is the work you have done so well,
Cursing the earth and peopling Hell;
Quenching the light on the inner shrine
Of the human heart, till you make it mine.
Want and sorrow, disease and shame,
And crimes that even I shudder to name,
Dance and howl in their hellish glee,
Around the spirits you have marked for me.
Oh, the selling of rum is a good device
To make a Hell of a Paradise.
Where'er shall roll that fiery flood,
'Tis swollen with tears, 'tis stained with blood,
And lips that erewhile were heard in prayer
With muttered curses stir the air.
Hold on your course, you are filling up
With the wine of the wrath of God your cup;
And the fiends exult in their homes below,
As you deepen the pangs of human woe.
Long shall it be—if I have my way—
Ere the night of death shall dark your day;
For to pamper your lust for the glittering pelf,
You rival in mischief the Devil himself;
And in the courts I hold, in my place below,
Your plea—that you are licensed—will be 'no go.'
No more said the fiend, but clear and high
Rang on the air the watchman's cry,
'Past two o'clock—and a cloudy sky.'
The grog-seller woke with a half-formed scream—
He awoke, and behold, it was all a dream.
His grizzled guest with his horns had flown;
His lamp was out, his fire was gone;
And sad and silent his bed he sought,
And long of that wondrous vision thought."




DEATH DEALER
HOT
RUMREELERS
RED-HOT
GIN GRIPERS
NO TRUST
SUICIDE
SANGAREE
CRAZY
COCKTAILS
CORPSEY
COBBLERS
BAR-TENDER.

CHAPTER XXIV

THE TEMPERATE DRINKER—THE BEGINNING AND THE END.

"Beware the bowl! Though rich and bright
Its rubies flash upon the sight,
An adder coils its depths beneath,
Whose lure is woe, whose sting is death."

—*Street's Poems.*

"Be temperate in every place—abroad, at home—
Thence will applause, and hence will profit come;
And health from either, be in time prepared
For sickness, age, and their attendant cares."

—*Cribble.*

I TOOK up a newspaper this morning, while waiting for my [illegible], and my attention was attracted by the following article. No author is given. It is one of those floating waifs on the sea of literature that deserve to be "picked up" and preserved. It is truth somewhat trite, told in an epigrammatic style. It might to set every temperate drinker to thinking, and for their special benefit I quote it entire:

"BOTH ON THE SAME ROAD.—A drunkard is called 'a [illegible],' 'a sot,' 'a wretch,' 'a runaway,' 'a wreck.' A moderate drinker is called 'a social, genial, good fellow'—'a man who will not let his appetite get the better of his manhood.' The moderate drinker himself heaps anathemas upon the drunkard, and even takes a complacent pride in telling how he abhors a 'sot.' What right has an apparent equal to make light of or despise a journeyman? What right has the healthiest of two men traveling the same road to make light of or abhor the man ahead? The moderate drinker says he takes but a glass to arouse a happy feeling; the drunkard says he takes but two to do the same thing, having passed the point where one would

do. How long will it take to learn that there is but one law controlling the use of ardent spirits, and that the law of increase?"

There never was a drunkard but that once was only a moderate drinker, and who firmly believed that he was fully able to control his appetite, and always would be. As the appetite increased he believed that it was in his power at any time to resist its demands. No temperate drinkers expect to become drunkards, or they would shun strong drink as they would any other threatened danger. The descent from temperate habits to a drunkard's life is sometimes almost imperceptible, yet it is sure, and leads as certainly to the inevitable end as the flow of the river's waters at last reaches the sea. The poor victim of the increasing appetite is all unconscious of impending ruin—he sees not the yawning gulf before him until he stands on its very brink, when it is too late to recede. This truth has been so often told that it has become so trite as to be unheeded, yet all know it. Every one is fully conscious that temperate drinking is the commencement of that path that ends in a drunkard's grave. The law of gravity is not more certain in its effects than is the law that ruin follows temperate drinking. This effect is as familiar as the funeral cortege, and as certain as death; and yet men will drink, and boast that the inevitable is not for them; that they alone can bid defiance to that which has ruined so many in their sight. Oh, strange infatuation, doubly strange that self-reliance whose broken staff has pierced so many hands, and whose frail and feeble armor has so often failed to protect men of the strongest will and most brilliant intellect!

The example of the temperate drinker is more pernicious in society than that of the drunkard who reels along the public streets—an object of loathing and disgust to all who behold him.

The Spartans, under the rule of Lycurgus, compelled their slaves to become drunk, and then exhibited them to their youths as an example and warning against the vice of intemperance and sin of drunkenness

My reader, you may be a temperate drinker; if so, you do

not expect to be a drunkard, and perhaps you may never become one. You may be able to control your appetite, but how is it with your thoughtless boy? He sees his father drink, and your example may give him confidence in his own strength that his temperament, so different from yours, will not justify. He sees you drink with impunity, and believes that he may, until too late, when, standing on the verge of the precipice of drunkenness and death, with agonizing voice he cries to you, "Father, your example has led me thus far. Oh, save me from the consequences of your teaching and the ruin that threatens me! Where you have stood I thought I might stand with safety. You did not warn me of the danger, but you encouraged me to follow in a father's steps—the ambition of many a son who loves his father and looks to him for guidance in the pathway of life." To an appeal thus made to you, how vain would be your efforts to save! How many fathers have wept over the fall of a misguided son, whose ruin could be traced to their example! How many have mourned like David over Absalom, "Would that I had died for thee, oh, my son!" How vain the lamentation! Had they but lived more for their sons, and by example as well as precept taught them how to live, and how to shun the rock on which their frail barks had been wrecked; had they warned them of the dangers and temptations that slumber in the wine and lurk in strong drink, this cup of sorrow would never have touched their lips.

It would have been better for your son had you been a drunkard; much better had he felt the shame of being a drunkard's child. Then your example would have been a terror and a warning. Your shame would have been to him like the waves that dash over the sea-hidden rock and point to the mariners the danger that threatens them and the death that lies in their pathway.

Men are so differently organized that one may do with impunity what another cannot do with safety. The bridge that will sustain one man's weight may break beneath the tread of another. The poison that arises from the stagnant pools is breathed by one without danger, while it is laden with death to another. The control which men exercise over their passions and appetites is as varied as is the human form or color, and he

who believes that he can govern and keep in subjection the appetite for strong drink, because he sees his fellow govern it, may find too late that, like the servant of the magician, he has invoked the demon, but that it will not depart at his bidding. For this reason the temperate drinker exerts a more pernicious influence in society than the confirmed drunkard. No one who sees the inebriate reeling and staggering through the streets, with his fetid breath and bloated form, would ever drink of the Circean cup if he believed that it would thus degrade and debauch him. But he has seen the respectable man, who "despises a sot" and loathes a drunkard, drink with apparent impunity, and, forgetting the fact that he has not yet seen the end of him who boasts of his strength and power to resist temptation, he follows the example before him, and, too late, finds that he has overrated his own power, and that instead of being the master of his own appetite, he is its slave, and must do its bidding, although it leads him to the very gates of hell.

The only safety is in total abstinence. Our future in relation to temperance is in our own hands, and if we refuse the first cup, we will never feel the maddening influence of the second. The approach of the tempter is slow, but at every step his power increases, until at last resistance is unavailing, and, too late, we mourn over what we might have done, but did not —what we might have been, but are not.

"Little by little," sure and slow,
We fashion our future bliss or woe,
As the present passes away.
Our feet are climbing the stairway bright,
Up to the regions of endless light,
Or gliding downward into the night,
"Little by little, day by day."

CHAPTER XXV.

EFFECTS OF ALCOHOL ON THE BRAIN.

"Ha!—dash to earth the poison bowl,
And seek it not again—
It hath a madness for the soul—
A scorching for the brain.
The curses and the plagues of Hell
Are flashing on its brim—
Woe to the victim of its spell:
There is no hope for him."

—John G. Whittier.

"*Every one is as God has made him, and oftentimes a great deal worse.*"

—Cervantes.

JOHN B. GOUGH, in a lecture in England, referring to the question whether alcohol was a food or a medicine, remarked that in his opinion it was "very much like sitting down on a hornet's nest—stimulating but not nourishing."

Whenever an artificial appetite is formed, it seems to be a physical law that just in proportion to the injury caused to the system by gratification of that appetite, it increases its demand. Not so with the natural appetite. To-day we hunger for food. We eat, and the hunger is appeased. To-morrow we hunger again; but the feeling is not increased by yesterday's indulgence. We thirst to-day, and drink freely of the heaven-distilled beverage God has given us, and to-morrow we thirst again; but not because of yesterday's gratification. All of the natural laws of our system man must obey or die. Their demands are imperative. On the other hand, if we obey all the demands of our artificial appetites, death is equally certain. God never said to man, "*You must eat and die;*" but as a warning He declared, "The day thou eatest thereof thou shalt surely die." This is the penalty for disobedience, and is equally true in the moral or physical world.

But few of my readers are aware of the fearful ordeal through which the reformed inebriate has to pass to restore himself to his family and friends. Few fully appreciate the terrible demands of this fearful appetite. The statue of the Trojan priest, Laocoön, struggling in the folds of the monstrous serpent sent by the goddess Minerva to destroy him and his two sons, is its most truthful and fitting emblem.

A friend of mine with whom I had remonstrated once said to me, "You are surprised that I have sacrificed all that is dear to me to this fatal appetite; but," said he, "when that terrible craving comes upon me, if you were to offer me with one hand heaven with a cup of water and with the other hell with a glass of brandy, I would be compelled by that appetite, without a moment's hesitation, to take hell and the brandy."

Scientists tell us that the excessive use of intoxicating liquor enlarges the cells of the tissues of the brain; that when so enlarged by alcoholic stimulants they are never again restored to their normal size and condition, and that for this reason, after long years have elapsed, and the reformed inebriate believes he has conquered his enemy, a single drink will revive the craving in all its former fury.

If any one shall read these pages who has once had but has now conquered this fatal appetite, to him I have a friendly warning. By the love you have for your wife and children, for home and its endearments, by all your future hopes in this world and the world to come, I warn you not to take the first drink. If you do, remember that for it you will sacrifice all that is dear in life, home, honor, friends, wife and children. Oh, what a price to pay for a drunkard's life and a pauper's grave!

The effects of alcohol on the human system are now well understood. It is but a few years since eminent physicians believed that it aided the digestion of the food; but it is now most positively known that it neither digests nor assists the process. It goes into the stomach as alcohol, passes into the blood as alcohol, and preserving its identity, careers through the veins and arteries, inflaming them by its poisonous presence, exciting and irritating the nervous organism, until it is deposited in a nearly pure state in the ventricles of the brain. Por-

tions of it all along its passage from the stomach are eliminated through the lymphatic glands, but it is discharged as it was received—as alcohol. The portion that reaches the brain remains there until its mission of sin is completed, when it is reabsorbed as alcohol, and so remains until it is expelled by an indignant and insulted organization in some of the many openings through which the filth and waste of the system are carried off. All through its inglorious career it remains alcohol, first and last, until it is cast out as an unwelcome guest, dangerous to the health of the body.

But when it reaches the brain its demoralizing effects are most keenly felt. There in the ventricles it holds high carnival among the nerves and tissues of the cerebral structure. There, in that "dome of thought, and palace of the soul," it still preserves its identity, and is yet alcohol, almost as pure as when it started on its "law-licensed pathway"—a little more bloody, it is true, like the hand of any other murderer, but still alcohol; and after it has been accessory to all the crimes in the calendar of human iniquity—after it has caused [illegible], rheumatism, epilepsy, palsy, madness, apoplexy, *delirium tremens*, and a legion of kindred diseases, it is still so unchanged in its personal identity that in a post-mortem examination I once conducted I almost imagined I could see on the [illegible] I collected from the brain the very label on the original bottle, "Pure Rye Whiskey." It had killed one man, and now, after all the vagrant wanderings through the digestive, circulatory, and circulatory organs of its victim, there it was *in propria persona*, just as active to do evil, just as poisonous, and just as little master than when it started from the legalized bar, the bar-room, down the throat of the man it had killed, to meet me again, sparkling and wicked, in a glass on the dissecting table. And as I looked at the liquor in the vessel that contained it, with the whisper of a fiend and a drunken leer, it seemed to say to me, "Well, sir, your saw and scalpel have found me at last; but know, sir, that I am here by right of legal enactment and by permission of license. Now, what are you going to do about it?"

Well that is just the question: What are we going to do about it? Shall we overlook its vicious propensities? Shall

we sustain it by law and protect it by decrees of court, or shall we treat it as we would any other assassin?

As a law-abiding people we punish both the accessory and the principal in crime. An accessory is defined in law to be "one who is not the chief actor in the offense, nor yet present at the time of its commission, but who procures, counsels, or assists another to commit a crime."

Is not alcohol either an accessory or a principal in nearly all the crimes committed in our country? If so, "what *are* we going to do about it?" This is the question that the Temperance Unions are asking a Christian people to-day.

In China the use of opium has become an evil of great magnitude. It is annually destroying many lives, yet it does not to a great extent promote crime. The victim of this appetite is lulled into sleep, and is in no condition to cut his wife's throat, or dash out the brains of his children. In this respect opium does not possess the peculiar virtues (?) of our own beverage beloved of law and politicians. There may be stupor in the bowl of the pipe, but there is murder in the bowl of gin. There is disease and death in the stupor of opium, but there is disease, death, and crime in the maddening effects of alcohol. And while we are enacting laws to protect the liquor traffic, the "heathen Chinee," by edicts, are trying to prevent the use of opium, and are even seeking, by severe penalties, to prevent the culture of the poppy

I believe that, as a Christian people, we are sending missionaries to China, to convert and enlighten the heathen of the "flowery kingdom." Now, would it not be well for us to ask for an exchange of courtesy, and invite them to send a few hundred missionaries here, to convert the heathen in America? Let missions be established in our State capitols, and make the members of the State legislatures the first experimental subjects.

When I began this chapter, I intended to confine myself to a consideration of the effects of alcohol on the human system, but, as usual, I find I am wandering off on the moral effects of the license law. This I suppose is for two reasons: first, that there must be an undercurrent of morality in my composition that has entirely escaped the observation of my most intimate

friends; secondly, that whenever I undertake to write or speak on the subject of temperance the license law, with its enormities and sins, rises up before me like the ghost of Banquo, and will not down at my bidding.

Thirty-five years ago, when I was practicing medicine and surgery, it was a common belief that alcohol was a preventive of contagion. My old preceptor so regarded it, and always before entering the room of a patient sick with any contagious disease, would fortify himself with a drink of liquor. He was an educated man and a well-read physician, and yet he firmly believed that liquor taken into his stomach prevented the germs of contagion from taking hold of his system. Modern science has demonstrated this to be an error.

The nutritious materials of the food are removed from the alimentary canal, and conveyed into the circulation, by a set of vessels called *lacteals*. There is another set of vessels somewhat similar to these, called *lymphatics*. Their function is to carry off the particles of matter already deposited. These vessels exist in great numbers, in the skin and mucous membranes, particularly those of the lungs. The *lacteals* reject all substances but the *chyle*, or nutritious elements of the food. The *lymphatics*, on the contrary, not only imbibe all the constituents of the body, both fluid and solid, when their vitality has ceased, but they absorb foreign and extraneous substances when presented to their mouths. One class of these organs extends to the cuticle, and by their agency the skin may absorb sufficient nutriment to support life for a number of days. Patients have been kept alive for a length of time by immersing them in a bath of warm milk or broth. The hand immersed in warm water will absorb from one to one hundred grains of fluid in one hour. Thirst may be quenched by bathing or even by wet cloths applied to the skin. It will be seen by this that the skin is possessed of millions of vessels with open mouths, ready to absorb poisonous particles brought into contact with them. It must be evident then, even to the unlearned, that anything that stimulates the *lymphatics* to increased action only makes them more capable of absorbing the poisonous particles of the sick-room. This is exactly the effect produced by alcoholic stimulants. Of this fact there is no

doubt; it is as well established as any other physical fact in nature.

When the *lacteals* are active, as they are immediately after taking food into the stomach, the *lymphatics* are comparatively inactive. For this reason a hearty meal of nutritious food is a good preventive of contagion.

It is also asserted by those who are anxious to find some rational excuse for the use of alcohol, that it enables persons to better withstand cold and exposure. This is untrue, for the reasons above given; *i. e.*, the effect of alcohol is to open the mouths of the *lymphatics*, and as they eliminate from the system substances taken in as food, there is here a waste of fuel, and a consequent reduction of the temperature of the body.

Dr. Kane, in his Arctic expedition, found that the sailors who could best withstand the terrible cold of that region were those who did not drink spirituous liquor. And he found the effect on his own system to be a loss of power to resist cold.

To sum up the matter in a few words, there is no excuse for the use of alcohol as a beverage. Its effects are pernicious—it poisons the body, debases the morals, and is only useful to political demagogues, whose qualifications for office can be better seen and appreciated by the voter when he is drunk than when he is sober.



CHAPTER XXVI.

MURDERED BY A BROTHER-IN-LAW.—A SCENE IN COURT.

"Ere the bat hath flown
His cloistered flight; ere to black Hecate's summons
The shard-borne beetle, with his drowsy hum,
Hath rung night's yawning peal, there shall be done
A deed of dreadful note"

—*Shakespeare's Macbeth.*

"The taunt of rage, the groan, the strife,
The blow, the gasp, the horrid cry,
The panting, throttled prayer for life,
The dying's heaving sigh,
The murderer's curse, the dead man's fixed still glare,
And fear, and death's cold sweat—they all are there!"

—*Dana's Buccaneer*

"And the Lord said: What hast thou done? The voice of thy brother's blood crieth unto me from the ground"

—*Genesis iv: 10.*

A FEW months ago I was employed to prosecute in a case of murder in an adjoining county. One brother-in-law had killed another. They had previously been engaged in business as partners. Both of them became somewhat addicted to drink—were temperate drinkers, not yet drunkards. While attempting to settle some business affairs, in a sudden fit of anger, and being under the influence of liquor, one of them drew a revolver and shot the brother of his wife through the heart. They were brothers-in-law in a double sense. Each had married the sister of the other. They lived near to each other in the little village of N———, where they had a country store. When they commenced business a few years before, they were sober, energetic, and careful men, esteemed by their neighbors and honest in their dealings. They had "built up a fine trade," were happy in their homes and surroundings,

and enjoyed the respect and confidence of all who knew them.

Across the street from their store stood one of those licensed curses of the country, a hotel. The proprietor was a genial, pleasant man, who loved his own liquor, was generous and fond of treating his friends. He was quite intimate with the brothers-in-law, and very frequently invited them to take with him a social glass. The courtesy was of course returned by them, and imperceptibly the taste was formed, the seeds of ruin scattered, and now the harvest had come, and was being gathered—a harvest of sorrow and crime.

I shall never forget the scene in the court-room. In the prisoner's box sat the defendant, by his side his young wife and little child, by the counsel table, his sister, widowed by his hand, and her child, made an orphan by his crime. The infernal curse of alcohol had cast its blight over two families—brought bereavement and death to one, sorrow and shame to the other.

I always dislike to prosecute in a capital case, and in fact in any case where the crime has been caused by the influence of strong drink; and when I took my seat by the counsel table and saw the prisoner and his young wife and child, I very much regretted that I had engaged in the cause. We had to call the wife of the deceased—a sister of the prisoner—as a witness. What a terrible position for her, the wife of the murdered man, called to prove that her brother was the murderer! Amid sobs of anguish she told her painful story: how her husband and brother were settling some complicated business transaction; that during the settlement her husband asked her brother to go over to the hotel and get a drink. They returned and continued the investigation of their accounts. The utmost good feeling seemed to prevail. After a short time had elapsed the defendant asked her husband to go with him and get another drink. She remonstrated with them, but in vain, and when they returned both were visibly under the influence of liquor. In very short time they differed in some trifling matter; angry words ensued; her husband accused his brother-in-law of fraud; then followed curse, a blow, a shot from the defendant's revolver, and her husband lay dead at her feet. Her brother had killed her

There was no justification for the act, nothing to palliate the crime except that the law had placed within their easy reach the spirit that prompted the deed. When the testimony had all been heard and the argument for the defense concluded, I had to make the closing argument for the Commonwealth, and I shall never forget the pleading, frightened look on the countenance of the poor heart-broken wife of the prisoner as I proceeded. Just before I finished my plea she fainted, and was carried from the court-room. I copy my concluding remarks from the stenographer's notes, to show how painful was the task I had to perform, and how stern and unpitying is the duty the law imposes on the counsel for the Commonwealth when asking a jury to convict a citizen of the commission of a great crime:

"And now, gentlemen of the jury, I am done. I leave the case of the prisoner in your hands, and once more and for the last time I ask you to do your duty to society and the laws that protect you. A brutal and cruel murder has been perpetrated in our midst, and it is but just that the murderer should be punished. It is not for him whose hands are red with his kindred's blood to complain of the severity of the punishment which the law prescribes. The sentence of the court that demands life for life is but the echo of that divine justice that more than three thousand years ago uttered the stern and inflexible decree: 'Whoso sheddeth man's blood, by man shall his blood be shed;' and that decree was afterward reiterated in the Mosaical law. 'He that smiteth a man will surely die,' saith that law, 'and he that comes upon his neighbor with guile to slay him shall be destroyed,' saith the Almighty. And when the eloquent defenders of the murderer at the bar denounced as barbarous the punishment that nearly two thousand years of Christian enlightenment have approved, remember it is but the feeble whispers of man against the awful voice of the Deity.

"If the defendant is guilty, his hand is red with his brother's blood, and he deserves the punishment which the law prescribes, even though it erects for that purpose a gallows as high as that on which Haman suffered an ignominious death. Why should he who had no mercy for his brother expect it at

the expense of justice at your hands? What right has he who has murdered a brother to ask you to violate your oaths as jurors, that he may escape the sentence decreed of God and approved by ages of Christian civilization?

"Are all the safe-guards which the law throws around human life to be destroyed, the mandates of the law to be violated, the obligations of your oaths to be disregarded, that this guilty murderer may go unpunished? Remember, gentlemen, that the safety which the law affords the citizens of this commonwealth depends upon the certainty with which the penalties for its violation are inflicted. And when you retire to your room to decide upon this case, should mercy in your hearts plead in behalf of the prisoner at the bar, remember that as he showed no mercy to the unoffending victim of his malice, so should he receive none at the expense of justice at your hands. Remember that justice is due to the dead as well as the living; due to him who now lies cold in death, and whose wrongs can only be vindicated by the living action of the law—and that justice demands of you a verdict, uninfluenced by the consequences and unawed by the terrors of the sentence which the Court may pronounce.

"It may be that the sentence will be death; but if so, it is warranted by the crime, is in accordance with the law and the time-honored religion of our fathers; and that sentence is only pronounced after a fair and impartial trial, while the prisoner himself sentenced an unoffending man to death without trial. With malice in his heart he executed that sentence, and without a moment's warning sent a human soul, unprepared, before that bar whose sentences involve the never-ending ages of eternity.

"Murder is a crime before whose horror and consequences we pause with bated breath. To send an immortal spirit before the bar of God without a moment for prayer or preparation, is to do an act whose effects may reach through all the unnumbered years of the future, entailing everlasting woe upon its victim; and the man who commits this crime has no claims for mercy at the hands of a Christian jury. Shall you hesitate, then, in doing your duty because of the severity of the punishment? Remember, it is the terror of that punishment

alone that paralyzes the arm of the murderer and stays the knife of the assassin. How vain would be the mandates of the law but for the fear of its penalties; and when juries shall hesitate to do their duty because of the punishment the law prescribes, then will the rights of good citizens be disregarded and men will hold their property and their lives by a frail and feeble tenure indeed; then will the weak be at the mercy of the strong; then will the knife of the assassin seek its victim, fearless of the consequences, and murder, protected by the sympathy of the jury, bid defiance to the law and its mandates.

"For the last few years crime has held a high carnival in this country; juries have failed to do their duty, and, as a consequence, thieves and murderers walk our streets in safety, and even hold high places in public trust and confidence, all because the maudlin sympathy of the public is invoked to shield those whom the law declares guilty, and the cowardice of the jury too often over-rides the obligations of their oaths and their duty as citizens.

"I appeal to you, then, as men and as jurors, to do what your duty to society and the laws that protect you demand. Could the grave give up its dead, could the lips of him who now lies cold in death tell you the story of his wrongs, the commonwealth would have nothing to fear from your sympathy. But now the murderer alone is here to invoke your mercy, while his victim sleeps the sleep of death, and only through counsel can the inanimate clay demand justice at your hands against his murderer.

"Shall that demand pass unheeded, because the tomb cannot give up its dead to testify, because the murderous wound shed by this man and the lifeless corpse of his victim are hidden in the grave, and he, the murderer, alone is left to tell the story? You look on the prisoner at the bar, and see a living man, in life's full vigor, and you hesitate to pronounce the verdict the law and evidence demand, because of the possible penalty; but go with me to yonder church-yard; look upon that new-made grave yet wet with the tears of the widow and children of the murdered dead; let us open the coffin, and lay aside the bloody cerements of death that cover the remains of the victim of the murderer's malice. Then look upon the

ghastly spectacle—behold the blood-stained body of him who a few short weeks ago was also a living man, full of life's hopes and projects, surrounded by all the ties of love and affection that surround the living. Let the prisoner at the bar stand with us on the brink of that opened grave. There let him say, 'This is my work; this ghastly spectacle is the result of my malice; this is the ruin I have wrought'—and then, if he dare, let him turn and ask mercy at your hands. And if he did, what would be your answer as you turned away from the sickening sight? Would not the innate sense of justice, implanted by God in every human breast, burst forth as spontaneously as are the throbbings of the human heart, and pronounce, not only your verdict, but if you could, with it the sentence also, in the very language of the inspired decree, 'Whoso sheddeth man's blood, by man shall his blood be shed'? And would not that verdict meet with the approval of your conscience and the sanction of a just and Christian people?

"And now I leave the prisoner at the bar in your hands. Let your verdict be such as the law and the evidence demand, and in the future that verdict will stay the knife of the assassin, arrest the arm of the murderer, and all over the broad extent of this commonwealth be an additional safeguard to human life.

"Let no fancied doubt stand between you and the duty you owe to the commonwealth and her laws—with the penalties the law inflicts you have nothing to do. But you have a duty to do to yourselves, to society, and the law, and as you expect to be protected in the enjoyment of your property and life, extend the same protection to your fellow-men by rendering a verdict in accordance with the law and the evidence. Life to him that was murdered was as dear as your life is to you. That life has been taken in wicked malice by the prisoner at the bar, and God's eternal justice demands that he should receive the punishment the law prescribes.

"The soldier on the field of battle, who is fighting only for a principle, deliberately inflicts death upon his fellow-man, and the Christian world approves the deed. The conqueror who waves a blood-stained sword over a subjugated people is hailed as a hero, and because he shed human blood to sustain a right

or a principle, is applauded by the nation. It has been held in all ages that a man may forfeit his right to live, by wickedness and crime. Why, then, should a jury hesitate to find a verdict against a miscreant and a murderer whom the laws of God and man condemn.

"I appeal to you then, in behalf of the laws whose mandates you are sworn to execute; I appeal to you in the name of the wrongs of the murdered dead; by the sorrow of the wife, made a widow by this man's crime; by the wrongs of the children this cruel murder has made orphans; I appeal to your sense of justice, and to your manhood, to do your duty fearlessly and faithfully. Let your verdict be such as your judgment shall dictate and your conscience approve, and pronounce that verdict regardless of the consequences, for here hath been a

> "'Murder most foul, as in the best it is;
> But this most foul, strange, and unnatural.'"

The jury after a few hours brought in a verdict of guilty of murder in the second degree, and the defendant was sentenced to imprisonment in the penitentiary for a period of eleven years and nine months.

And here again are crime and sorrow to be traced to the great cause, "licensed liquor-selling." Here a hotel, licensed ostensibly "for the benefit of the traveling public," becomes the center of a local traffic, debases the morals of those within the sphere of its influence, forms and nourishes the appetite for strong drink among those who visit its dangerous precincts, begets crime, ruins men, converts independent industry into abject pauperism, is a tax on the material wealth of a community, and a curse to the country.

CHAPTER XXVII.

THE TOAST.—DIVIDED WE STAND, UNITED WE FALL.—A PARODY WITH A MORAL.

"Nor go thou to the banquet hall –
The festal light may shine,
And love and beauty gladden all
In revelry and wine,
But go thou not—for death is there;
He cometh not in vain;
His ghastly arm is raised and bare
Above each reeling brain!

Away! in God's own name, away;
Cast off the evil thing –
Turn from the tempter's smile away
For your delivering;
So shall a loftier strength be given
Above the wine cup's spell:
And thou, that art an heir of Heaven,
Escape the fear of Hell."

—*J. G. Whittier.*

Not long since I attended a banquet given by the members of our bar in honor of the Hon. Judge D., a most excellent man, respected by all who know him, and who, by the vote of the people of our judicial district, had held the position of associate judge for a period of fifteen years. The banquet was given at a temperance hotel in our city, kept by a most estimable lady. After supper a number of toasts were given and responses made, yet there was not a drop of wine or liquor of any kind at the banquet. How different would it have been twenty years ago! A bar supper then would have been considered a very tame affair, if not a failure, without the exhilarating influence of liquor, and a banquet like the one referred to would have laid the foundation of a series of drunks (to speak in plain and concise English) that would have lasted for a number of days, and perhaps brought sorrow and shame to many fire-

sides. Now how different! Not a man of the hundred who attended the meeting was intoxicated; not a member of the bar in the lock-up; but everything as orderly, as soberly and quietly conducted as if the attorneys had been by some magic spell transformed into ministers or advocates of temperance reform met in convention for the good of public morals and sobriety. Whence comes the change? Why is it that to-day respectable men can meet together to commemorate any event without the use of liquor, and thereby escape the disgraceful scenes that usually attended all public gatherings, where it was drunk freely, in ancient times? That a great change has come over the "spirit of the public dream" must be manifest to all, and that this change can only be attributed to the influence of public opinion formed by the "temperance reform movement" is equally apparent. The moral sense of the community has been aroused, and the time is not distant when the united voice of a regenerated people will demand that all holding offices of public trust and confidence shall be temperate and sober men, men who are opposed to all traffic in temptations to sin and all license to provocatives to crime. The time is also fast approaching when those in high positions cannot escape the opprobrium attached to intemperate habits, or the justly deserved censure which every one should receive who sanctions and approves those laws and licenses that lead men to intemperance or tempt them to the vice of drunkenness.

A few weeks ago a very learned and able judge retired from the highest judicial position in our commonwealth. He is a man who has few peers and no superiors in all the qualifications necessary for a great jurist, is a man of great moral worth, temperance, and integrity of character; one whose name will be transmitted to posterity among those of the great lawgivers whose reputations are the pride of our commonwealth.

In honor to him, the bar of Western Pennsylvania tendered him a banquet at a prominent hotel in a western city in this State. That banquet was attended by many, I may say hundreds, of the most prominent attorneys in the commonwealth, with the representatives of the press and many other prominent citizens. At this banquet, given in honor of the pure life and spotless character of a truly great man, wine and other liquors

were freely provided, and as freely drank, and one of the toasts there given was as follows:

"The bar of Western Pennsylvania, and the bar of the M. house. Divided we stand, united we fall."

And this sentiment, full of truth, as well as wit, was received with unbounded mirth and applause. It was true! The history not only of that city but of all others proves its truth. How many men of brilliant intellect, fine culture, and deeply versed in legal lore have fallen because they were united by the strong tie of a depraved appetite to the licensed hotel-bar. Yes, fallen from high social as well as legal position, to the lowest depth of poverty and degradation, carrying with them in their fall those they loved best on earth, bringing sorrow—heart-breaking sorrow—to the wife, want and shame to the little children who must suffer for a father's sins.

> **"Yes, chained her there 'mid want and strife,**
> **That lowly thing—a drunkard's wife!**
> **And stamped on childhood's brow so mild,**
> **That withering blight—a drunkard's child!"**

Friends have for years remonstrated in vain; love with tears more eloquent than words has vainly sought to sever the bonds that united the husband and father to the bar and its accursed influence. If they could only "be divided," then the man would be saved—saved to himself and family—saved to society and the friends who loved him. But to that bar he is united by bonds stronger than though made of "brass or triple steel;" before the poor victim of that bar is a drunkard's life and a pauper's grave, and he knows it well, knows that if they continue united he cannot stay his downward course, that if they can only "be divided," he can once more "stand." Yes, stand erect in his manhood and integrity; stand high in the respect of his fellow-men; stand from out the gutter and the pollution of a drunkard's life; stand free from the shackles of a depraved appetite; stand forth a man, in the image of the Creator, the noblest work of his creative power, *a sober, temperate, honest man*. It would be well if that toast could be written in letters of fire over the entrance of every licensed ho-

tel in the country; if it could be engraved on the brim of every goblet in whose contents lurks the demon of strong drink; and when the poor trembling victim of the fatal appetite raises the deadly cup to his lips, if an embodiment of that sentiment could spring up from its liquid depths and utter in the ears of the enthralled inebriate the terrible warning, "united we fall," how many a fatal cup would be dashed to the earth, and the victim be able to reply, "Divided we stand, and by God's help the warning shall not go unheeded."

The author of that toast and parody deserves immortality, not alone for its genuine wit, but for the lesson therein taught, and for the warning to poor fallen man therein enunciated.

I happened to be in the city the night of the banquet, and on my return home a few days after, a friend met me and said: "Well, you were in the city of ——. Did you attend the great judicial *drunk* held in honor of ———?" I informed him that I did not attend the banquet, and that it was not a drunk, but a gathering of eminent attorneys and prominent men in honor to a great and good man. "Did they not have champagne and other liquor at the banquet?" he inquired. I told him I did not know, but had heard so; that I looked in the police reports in the morning papers, and not seeing any of the attorneys' names, I had no doubt that the supper was a model of sober propriety. "Well," he remarked, "if it had been a gathering of railroad employes, and as much liquor had perished through their agency as was destroyed at that banquet, folks would not have called it by that name, unless banquet is spelled with a a *d* and a *k*, and I do not think it is in the last edition of Webster."

It is most probable that there was no impropriety of conduct at the banquet; that all was sober and in character with the men who attended it, yet the example was bad in the community. Eminent men can be drunkards, even though dressed in broadcloth, as well as humble citizens clothed in rags. For in this world

> 'The rank is but the guinea's stamp,
> The man's the gowd for a' that."

It is as much a sin and a crime for a respectable man to get

ulated" in the parlor or dining-room of a fashionable as for a tramp to get drunk in a back alley—and in one more, for "where much is given much is required;" and is wrong for vagabonds and loafers to get drunk at a horse , it is certainly not an act of highest moral rectitude for tlemen to become unduly "*exhilarated*" at a fashionable ty. A man is as much an object of loathing, contempt, or y if he gets drunk on five-dollar champagne as on ten-cent hiskey. The drunken vagrant on the street injures no one y his example, while the undue *hilarity* of gentlemen at a banquet exercises a bad influence among the young and inexperienced.

It is certain that men in high social position are looked up to by the majority of their fellow-men who have not attained eminence, as examples to be imitated, and it is also certain that men are more prone to excuse their derelictions by comparing their acts and vices with like conduct on the part of the great, than they are to imitate the virtues of those high in public esteem and confidence. When eminent men meet together for a social purpose and indulge even in a moderate degree in the use of intoxicating liquor, their example is far more pernicious than a bacchanalian revel among the regular habitues of the saloon or grog-shop. Charcoal makes no mark on a blackboard so perceptible as to attract the attention of the ordinary observer, but when drawn across the whitened wall by its side, none can pass by without observing it. So in life, the acts of the vile and vicious are comparatively unseen or unnoticed—except in the police reports—and they leave no blot on reputations already blackened by sin and crime; while a single immoral act may stain an unsoiled reputation forever, and that isolated stain is pointed to by many a veteran sinner as a justification for his conduct and an excuse for a life of wickedness and debauchery. How careful, then, should those be to whom God has given great eminence among men, that they be not stumbling blocks in the pathway of their fellows; that while they teach temperance and morality with their lips, they do not, by example, encourage dissipation and vice.

CHAPTER XXVIII.

WHO OWNED THE THIMBLE?—A CASE OF CIRCUMSTANTIAL EVIDENCE.

"'Tis slander:
Whose edge is sharper than the sword: whose tongue
Out-venoms all the worms of Nile; whose breath
Rides on the post ing winds, and doth belie
All corners of the world: kings, queens, and states,
Maids, matrons—nay, the secrets of the grave
This viperous slander enters"

—*Shakespeare's Cymbeline.*

"What have I done that thou dar'st wag thy tongue
In noise so rude against me?"

—*Shakespeare's Hamlet.*

The incident I am about to relate has very little in it, either "to point a moral or adorn a tale," yet the "circumstantial evidence in the case" is so peculiar that it may well be ranked among the *causæ celebratæ* of the judicial investigations of the country.

In the little town of H———, where I spent a number of the years of my boyhood, lived two most excellent, amiable, and Christian women, Mrs. C. and Mrs. E. They were both exemplary members of the M. E. church, and were withal very intimate friends. Had Mrs. C. any great domestic or family trouble, the history of her sorrows was poured into the sympathizing ears of her friend, Mrs. E., who in turn told Mrs. C. the confidential recipient of the story of all the real or imagined woes that cast their shadows across her pathway. For many years the good ladies had thus lived in the most amicable and neighborly manner, when a cloud, at first no larger than a man's hand, suddenly appeared on the horizon of their intimacy and friendship, and soon loomed up in such dark and ominous proportions as to threaten a storm of extraordinary magnitude and violence.

One morning a little daughter of Mrs. C.'s came into the house of Mrs. E., having in her hand a common closed-top thimble, such as are sold for a few cents each at all the stores in the country. Around the base of the thimble was the motto "Forget me not" in raised letters, and through the top or closed end a small hole had been punched wth some *square* instrument. A little daughter of Mrs. E.'s, seeing the thimble in the hand of her playmate, claimed it as her own. The two children were disputing about its ownership, when Mrs. E., hearing the controversy, and being appealed to by her child, proceeded to decide between the opposing claimants in a very summary manner. She took the thimble from Mrs. C.'s child and gave it to her own, stating at the same time that it was one she had bought for her girl at M. B. L.'s store in the village a few weeks before. Mrs. C.'s little girl entered a most indignant protest to this disposition of the case, and claimed most vehemently that the thimble was hers; that her mother had bought it at a neighboring village and given it to her for a birthday present; and that she would appeal to her mother for redress if it were not given back to her. Her claim being ignored by Mrs. E., the child departed in tears, and in a very short space of time her mother entered an appearance for her, and demanded that the judgment in replevin entered against her by Mrs. E. so summarily and without a hearing should be opened and she let into a defense. She sustained the claim and statement of her child; said she had purchased the thimble, as her little girl had stated, at the store of Mr. P., in a neighboring village; that she knew it was her child's, knew how the square hole came to be made in the top, and she demanded immediate restitution of the property, with costs of suit in the shape of a most humble apology, which must be made immediately. Mrs. E., equally certain that it was her thimble, refused to open the judgment she had entered against the neighbor, stated that she knew the thimble was hers; that she too knew how the square hole came to be made in the top; and in her anger she intimated that the little daughter of Mrs. C. was a thief, and that it looked to her as if her mother knew it, and sustained her child in the commission of a crime. This was too much for human (and particularly female) forbearance to

endure; and after a few most cogent, emphatic, and positive remarks, Mrs. C. left, shaking the dust off her feet at the threshold of her friend, declaring she would never enter her door again.

For some time the matter stood thus, the two good ladies, each to her coterie of especial friends, relating the incident as she remembered it, yet colored by anger and self-interest. Accusations and grave charges were made by each against the other. Both were respectable, and had a large circle of friends and relatives who lent a too willing ear to the belligerent parties, until the breach thus made threatened so to widen as to dismember the church, or at least divide it into two factions, and to destroy the peace and harmony of the neighborhood. At last, under the laws of the "church discipline," a complaint was made before the church authorities by one of the good sisters against the other for "slanderous words spoken." For many days before the trial the case was the subject of general comment and conversation in the village. The question, "Whose thimble was it?" was frequently and most ably discussed.

At that time the State was building the P. & E. canal, reservoirs, and feeder. A number of engineers, contractors, and sporting men boarded in the village of H——, and among them many bets were offered and taken on the result of the coming trial. Like all great events, anxiously looked for, it came at last.

"The clans had gathered at the pibroch's sound."

The friends and relatives of the belligerent ladies had assembled in great numbers. An august board of reverend men had taken their seats as arbiters. An able church dignitary presided. The church building was full to overflowing with amused and anxious spectators. The court was opened with prayer. All was solemn and impressive, as became the occasion, and it was plain to every observer that the proceedings were to be governed by the spirit enunciated so forcibly in the ancient decree, *Fiat justitia ruat cælum*. Yes, it was evident that justice was to be done though the heavens fell. The church might suffer and become the sport and by-word of the irreverent, social har-

mony be destroyed by the tongue of busy scandal, yet the grave question *must* be settled, Who owned the thimble?

The first witness was called, John McM., a most worthy and truthful man. The thimble was shown him, and he testified as follows, to-wit:

"A few weeks before this difficulty commenced, I went to the house of Mr. C. to borrow his gun to go a-hunting. Mrs. C. brought me the gun from an adjoining room; she also brought with it the powder-horn and shot-pouch. There was no 'charger'; the string by which it was attached to the horn was broken, and it was lost. I saw this thimble on the window-sill, and taking from the breakfast table an old-fashioned iron fork, which had a square tine, with it punched a hole through the top of the thimble and tied it on to the powder-horn for a charger. I used it that day. Noticed the motto 'Forget me not' on it, and I know that it is the thimble I had, and through the top of which I punched a *square hole*."

The witness was cross-examined by the good brother who acted as attorney for the defendant, in a most able and lawyer-like manner, but it only seemed to make the testimony more conclusive and convincing.

Mrs. C. looked triumphant, and her friends wore some such an expression of countenance as the backers of one party in a prize-fight might be expected to wear when their champion had drawn the first blood, while the clansmen of Mrs. E. looked very much crestfallen. On the outside of the church and in the gallery bets were freely offered of ten to one in favor of the complainant, Mrs. C., but there were "no takers."

After proving the words spoken by Mrs. E., the complainant rested her case.

The defendant's counsel now called Esq. John G., also a most worthy and truthful man, and he testified as follows, to-wit:

"A few weeks before this difficulty, a little child of Mrs. E., the defendant, came into my shoe-shop; she had something in her mouth, and fearing she might swallow it and choke herself, I took it from her, and found it was this thimble. I noticed the motto 'Forget me not' on it, and to prevent the child from either losing or swallowing it, I took my pegging

awl, which had a square prong, and punched a *square hole* in the top, and strung it on a wax-end and hung it on the child's neck. I am confident this is the thimble, and that I made this hole in it with my pegging awl."

The good brother, attorney for complainant, proceeded to cross-examine him, but, like the other witness, it only made his testimony more positive and certain.

The sporting men in the gallery now tried to "hedge their bets," but could not. Mrs. E. and friends looked triumphant.

Here there was a pause in the proceedings—justice was at a dead-lock. Neither of the clans seemed to be pleased with the evident fact that it was all a mistake; but the feelings of parties and partisans had become so deeply stirred that naught but the defeat and dishonor of the opposite side would satisfy either. At this point of the case the acting attorney for Mr. E. looked into the thimble, and there saw a price-mark, scratched with some sharp-pointed instrument, on the smooth surface of the metal. He had once been a clerk in the store of M. B. L., where his client stated she had purchased the thimble, and thought he knew the mark. This important fact was stated to the Court, with a request that Mr. M. B. L. might be sent for. Accordingly a note was written, and I, being the nearest boy to "the bench," was directed to take it down to the store, and to request Mr. M. B. L's immediate attendance. I took the note and started. On the road I had some misgivings, for that morning I had stopped at the store, and while there had seen the proprietor return from "his job on the canal," in a very "used up" condition. I had heard that there had been some fighting at the canal—a riot and fight among the men—and that Mr. M. B. L., who was a man of undoubted courage, had first taken a *drink* and then a pick-handle, and with the latter, inspired by the former, had broken several belligerent heads, and single-handed had quelled the riot. When this was done, he took another drink, and retired to his store, and at this time was asleep upon a cot under the counter.

Now, M. B. L. was a man of wealth and position, respected by all, and beloved by many. He was generally a temperate man, and, as he afterward said, never got drunk unless there was either a riot or a church trial in his neighborhood. His

wife, a most excellent and accomplished lady, was a member of the church, and at that time, with her little daughter, was attending the trial. She was idolized by her husband, to whom she, in turn, was very much attached. She was proud of his position and ability, and only had one sorrow—that on great occasions he would drink a little too much.

I entered the store, inquired for him, and was told that he was sleeping on the cot. I approached him with about the same feelings that the keeper of a menagerie experiences when with his *baton* of office he proceeds to stir up the sleeping animals in the cages, for the amusement of the visitors. On being awakened, he inquired in a manner which I thought at the time was unnecessarily emphatic, what in —— I wanted. First looking to see that the outside door was open, and that the avenues for retreat were unobstructed, I gave him the summons, and told him my errand. He suddenly arose, gazed for a moment at my youthful form rapidly diminishing in the distance, and then—the last eruption of Vesuvius was a comparatively mild and placid phenomenon to what immediately occurred. It *almost* sobered him. Going to a show-case, he took from a box some two or three dozen of thimbles similar to the one in controversy, and started toward the church. I had entered long before he arrived, and was safe, but I awaited coming events with breathless anxiety. He walked in with a very grave face and slow and steady pace. He approached the seat of justice, and, with a look which seemed the very concentrated essence and spirit of contempt, faced both court and audience.

The attorney handed him the thimble, and asked him to look in it and see if that was his price-mark. He took it between his thumb and finger, looked at it for a moment, then extended his arm and apostrophized it as follows:

"You are the thimble that has caused all this trouble! You are the apple of discord thrown by the spirit of mischief among the good sisters of this congregation! You have been the cause of all the vile gossip and slander that for the last few months have poisoned the social atmosphere of this community. You are the insignificant agent of the Evil One that has nearly dismembered God's church in this place — turned friends into en-

emies and Christian women into slanderers and back-biters! You have brought all this large assembly of worthy people together to witness a scene most disgraceful in itself, disreputable to all engaged in it, and that will work a lasting injury to the church and the cause of religion! You contemptible, insensate thing; if you were not made of brass, you would blush at the shameful part you are playing in this most ridiculous and wicked farce! Your first cost was about two and one-quarter cents: yet you are deemed of sufficient value to convoke the powers of a great church to determine the question of your ownership. But you will do no more evil if I can prevent it."

With the concluding remark he thrust the offending thimble deep down in one pocket, and taking from another a handful of thimbles, he approached a good sister who sat at the end of a bench near him, and offering her a thimble, in the most bland and gentle of tones said: "Mother Smith, take a thimble." The next was his lady-like wife, who seemed overcome with confusion and shame when he said, "My dear, take a thimble." "Why, Mr. L.!" she answered in a tone of surprise. "Take a thimble," he repeated in the very same tone, and she took one, well knowing that there were times when her lord and master would be obeyed, and that his wife's ought, regardless of the church, to be one of them. He then proceeded deliberately to distribute all but one among the astonished sisters. When he came to the last one he said to his little daughter, and laid it upon the table, "Here, Alice, take this, and then come to me with it, and I will see if I can catch you in such a scrape again. I am sorry to perhaps the rest of those foolish children [illegible]."

With a tear, taking his little daughter's hand, he walked [illegible] with the utmost nonchalance—"Come, Lucy, come, Charley, come, Lucy, come, Charley," as he walked to the door. The presiding officer rose, rapped, then arose and said, "Let us close the meeting with prayer." Reader, I will remark that the closer was an uncle of Mr. B. L., a man of just such material, only refined and polished by years of grace. I always thought he was pleased with the rebuke administered to the church by his sinful nephew,

and his prayer was well calculated to act like oil on the troubled waters. At the conclusion of the meeting mutual friends interposed their services, and the two sisters became reconciled, and for long years after were firm friends and zealous workers for the good of the church.

Ten years elapsed. M. B. L. had become an ardent temperance advocate, and I heard him say in a public meeting that he had been on a great many drunks in his life, and he was heartily ashamed of them all but one, and that was the one that gave him courage to "speak his mind in meeting," and save the church of H. from dismemberment and disgrace; that he should always be proud of that drunk, for aided by it he had quelled a riot on the canal and made a prominent church ashamed of a most disgraceful quarrel about a thimble. He said his drunken folly was administered on the homœopathic principle; *i. e., similia similibus curantur.*

CHAPTER XXIX.

THE CONNEAUTVILLE FAIR.—HOW AN EXHIBITER WAS TREATED WHO DESIRED TO EXHIBIT ONE OF THE PRINCIPAL MANUFACTURES OF THE COMMONWEALTH.

"Drunkenness, why that's a most gentleman-like
sin; it scorns to be beholden; for what it
Receives in a man's house, it commonly
Leaves again at his door."

—*Cupid's Whirligig.*

"The wealth of a country consists in what it manufactures and produces."

—*Political Economy.*

The enterprising little town of C—— boasts of its county fairs, and well it may, for some of them are said to have excelled the State fairs in the number and variety of articles and products exhibited. It is a beautiful village, situated in the western part of C—— county, Pa., and formerly was noted for its health, as well as for the intelligence and morality of its citizens. In answer to a petition of the temperance people, the legislature of the State enacted a prohibitory liquor law for that particular locality. The law permitted only druggists to sell liquor, and then it must be on a prescription sent by some practicing physician. It is a singular fact that almost immediately after the passage of this act of the legislature, the general health of the town became very much impaired. It seemed as if all the diseases to which the human system is liable selected that devoted village as the arena of their revels; or, in other words, they seemed to settle down there, determined to engage in active business with its inhabitants. As a result, the druggists had to very much increase the size of their prescription books. The regular physicians were busy

"*stimulated*" in the parlor or dining-room of a fashionable hotel as for a tramp to get drunk in a back alley—and in one sense more, for "where much is given much is required;" and if it is wrong for vagabonds and loafers to get drunk at a horse race, it is certainly not an act of highest moral rectitude for gentlemen to become unduly "*exhilarated*" at a fashionable party. A man is as much an object of loathing, contempt, or pity if he gets drunk on five-dollar champagne as on ten-cent whiskey. The drunken vagrant on the street injures no one by his example, while the undue *hilarity* of gentlemen at a banquet exercises a bad influence among the young and inexperienced.

It is certain that men in high social position are looked up to by the majority of their fellow-men who have not attained eminence, as examples to be imitated, and it is also certain that men are more prone to excuse their derelictions by comparing their acts and vices with like conduct on the part of the great, than they are to imitate the virtues of those high in public esteem and confidence. When eminent men meet together for a social purpose and indulge even in a moderate degree in the use of intoxicating liquor, their example is far more pernicious than a bacchanalian revel among the regular habitues of the saloon or grog-shop. Charcoal makes no mark on a blackboard so perceptible as to attract the attention of the ordinary observer, but when drawn across the whitened wall by its side, none can pass by without observing it. So in life, the acts of the vile and vicious are comparatively unseen or unnoticed—except in the police reports—and they leave no blot on reputations already blackened by sin and crime; while a single immoral act may stain an unsoiled reputation forever, and that isolated stain is pointed to by many a veteran sinner as a justification for his conduct and an excuse for a life of wickedness and debauchery. How careful, then, should those be to whom God has given great eminence among men, that they be not stumbling blocks in the pathway of their fellows; that while they teach temperance and morality with their lips, they do not, by example, encourage dissipation and vice.

CHAPTER XXVIII.

WHO OWNED THE THIMBLE?—A CASE OF CIRCUMSTANTIAL EVIDENCE.

"'Tis slander:
Whose edge is sharper than the sword: whose tongue
Out-venoms all the worms of Nile; whose breath
Rides on the post ng winds, and doth belie
All corners of the world: kings, queens, and states,
Maids, matrons—nay, the secrets of the grave
This viperous slander enters"

—*Shakespeare's Cymbeline.*

"What have I done that thou dar'st wag thy ton ue
In noire so rude against me!"

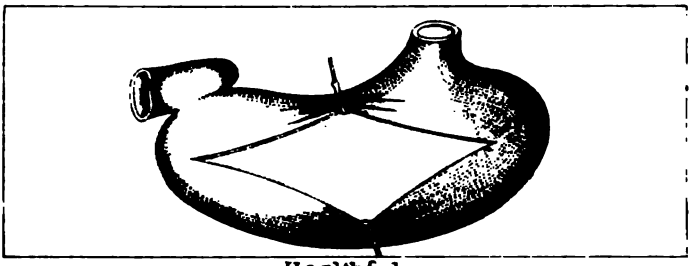
—*Shakespeare's Hamlet.*

THE incident I am about to relate has very little in it, either "to point a moral or adorn a tale," yet the "circumstantial evidence in the case" is so peculiar that it may well be ranked among the *causæ celebratæ* of the judicial investigations of the country.

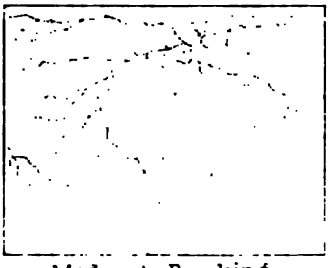
In the little town of H———, where I spent a number of the years of my boyhood, lived two most excellent, amiable, and Christian women, Mrs. C. and Mrs. E. They were both exemplary members of the M. E. church, and were withal very intimate friends. Had Mrs. C. any great domestic or culinary trouble, the history of her sorrows was poured into the willing ears of her sympathizing friend, Mrs. E., who in turn made Mrs. C. the confidential recipient of the story of all the cares and woes that cast their shadows across her connubial pathway. For many years the good ladies had thus lived in the most amicable and neighborly manner, when a cloud, at first no larger than a man's hand, suddenly appeared on the horizon of their intimacy and friendship, and soon loomed up in such dark and ominous proportions as to threaten a storm of no ordinary magnitude and violence.

"'Since I have come to the confessional, I may as well admit that I have my doubts whether we should prohibit saloons at the State and county fairs. These fairs ought to exhibit fairly the various industries in which the labor and capital of the State are invested. Now, excepting agriculture, there is more money invested in the manufacture of drunkards than any other business in the State; and so important and profitable does the legislature of Indiana regard this business, that they refuse to suffer any one to engage in it unless they will divide the profits with the State. Our dividend of these profits last year was about $300,000. Now, as everybody does not understand how these thousands of drunkards are made, that are turned out every year from the factories of this State, is it not proper that the process, in all its details, should be exhibited at the fairs? We exhibit our schools of learning and virtue, from which we fill our positions of honor and trust, and shall we not exhibit the schools of vice, from which we fill our penitentiaries and poor-houses? We exhibit our sources of wealth in the products of the farms and the work-shops, and shall we conceal the leak where millions of that wealth is sunk in the dissipation of the saloon? Shall we not be honest and show it all? Indeed, Mr. Editor, I feel very much like taking it all back and acknowledging myself a convert to saloons at fairs.'"

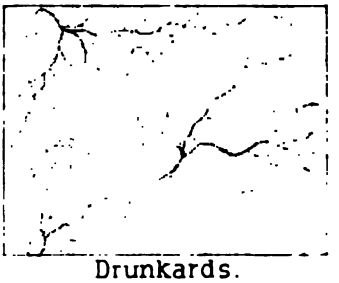
DIAGRAMS OF THE STOMAGH IN VARIOUS CONDITIONS.



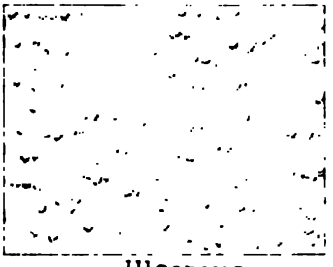
Healthful.



Moderate Drinking.



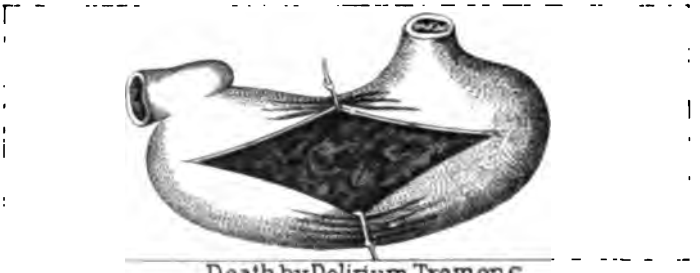
Drunkards.



Ulcerous.



After a long Debauch.



Death by Delirium Tremens.

CHAPTER XXX.

EFFECTS OF ALCOHOL ON THE STOMACH AND DIGESTIVE ORGANS.

"It weaks the brain, it spoils the memory,
Hasting on age, and willful poverty;
It drowns thy better parts, making thy name
To foes a laughter, to thy friends a shame.
'Tis virtue's poison and the bane of trust,
The match of wrath, the fuel unto lust
Quit—leave this vice, and turn not to't again,
Upon presumption of a stronger brain;
For he that holds more wine than others can
I rather count a hogshead than a man."

—*Randolph.*

"The common ingredients of long life are
Great temperance, open air,
Easy labor, and little care."

—*Sir P. Sidney.*

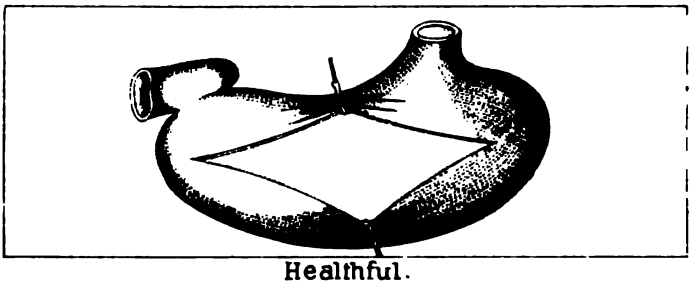
"Drink no longer water, but use a little wine for thy stomach's sake, and thine often infirmities."

1 *Timothy* v. 23.

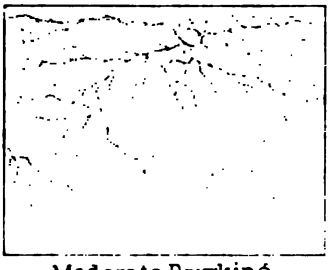
Doctor Adam Clark states that at the time Timothy received the advice from the Apostle Paul, "to use a little wine for the stomach's sake," he was a feeble, sickly young man; his excessive abstemiousness had very seriously impaired his health, and the prescription was directed to him in his then precarious condition. The wine of which he was to use but *little* was intended as a tonic, on account of his "infirmities."

With due and becoming respect to the learned Apostle, I cannot help but think that if his gift of prophecy had told him what use would be made of his prescription to Timothy by the modern advocate of the liquor traffic, he would have recommended some other remedy. But it would have indeed been a stretch of the powers of prophecy to foresee that because a sick

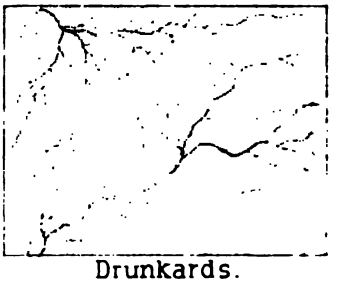
DIAGRAMS OF THE STOMAGH IN VARIOUS CONDITIONS.



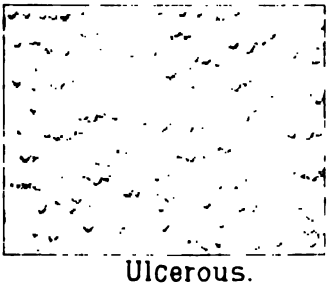
Healthful.



Moderate Drinking.



Drunkards.



Ulcerous.



After a long Debauch.



Death by Delirium Tremens.

CHAPTER XXX.

EFFECTS OF ALCOHOL ON THE STOMACH AND DIGESTIVE ORGANS.

"It weaks the brain, it spoils the memory,
Hasting on age, and wilful poverty;
It drowns thy better parts, making thy name
To foes a laughter, to thy friends a shame.
'Tis virtue's poison and the bane of trust,
The match of wrath, the fuel unto lust
Quit—leave this vice, and turn not to't again,
Upon presumption of a stronger brain;
For he that holds more wine than others can
I rather count a hogshead than a man."

—*Randolph.*

"The common ingredients of long life are
Great temperance, open air,
Easy labor, and little care."

—*Sir P. Sidney.*

"Drink no longer water, but use a little wine for thy stomach's sake, and thine often infirmities."

1 Timothy, v. 23.

Doctor Adam Clark states that at the time Timothy received the advice from the Apostle Paul, "to use a little wine for the stomach's sake," he was a feeble, sickly young man; his excessive abstemiousness had very seriously impaired his health, and the prescription was directed to him in his then precarious condition. The wine of which he was to use but *little* was intended as a tonic, on account of his "infirmities."

With due and becoming respect to the learned Apostle, I cannot help but think that if his gift of prophecy had told him what use would be made of his prescription to Timothy by the modern advocate of the liquor traffic, he would have recommended some other remedy. But it would have indeed been a stretch of the powers of prophecy to foresee that because a sick

man was recommended to take a *little* wine on account of his infirmities, therefore every toper, tippler, or intemperate drinker should find a justification for guzzling corn whiskey, fusel oil, and strychnine *ad libitum*. A prophet might reasonably predict a general conflagration that would cremate the world, because the elements of the earth, in their chemical combinations, might possibly produce an instance of spontaneous combustion on a grand scale; but that any one would attempt to find justification for the use of alcoholic liquors as a beverage from the mild prescription of St. Paul, the most gifted and inspired prophet could hardly have contemplated. Yet, in former times, I have heard ministers of the gospel predicate an argument of that text to justify the use of alcohol in a temperate manner as a beverage; but I also recollect that those who held that opinion were generally possessed of rubicund features, accompanied by a chronic infirmity of a kind that defied the powers of the most expert *diagnostician* to detect.

The stomach itself repudiates the idea, and rejects the prescription as empirical.

Figure 1 (see plate) represents the mucous coat of the stomach in a healthy state, which, in color, is slightly reddish, tinged with yellow. No man with a stomach in that condition ever quoted the passage from Timothy to justify even the temperate use of alcohol as a beverage.

Figure 2 represents a part of the internal portion of the stomach of a temperate drinker, a man who takes his grog daily, but moderately, the effect of which is to distend the blood-vessels of the inner surface of the stomach, or, in other words, produce a degree of inflammation which makes the blood-vessels visible.

This man has read the text, and tries to believe that St. Paul was a temperate drinker, and recommended a little wine to his friend daily as a beverage.

He would be insulted if you were to tell him that there was danger of his becoming a drunkard. He is probably a good citizen, may belong to a church, is a kind husband and father, and has not the remotest idea that he is approaching the awful precipice of habitual drunkenness with slow but steady pace. No! he is confident he can command his appe-

tite, despises a drunken sot, and wonders how any man can become so degraded and regardless of himself and family as to become a common drunkard.

Figure 3 represents the stomach of an habitual drunkard (just what No. 2 will be in a year or two).

These drawings are taken from life (or rather from death), and this figure shows the mucous membrane in a highly inflamed condition. In this state the inebriate is never satisfied unless the stomach is excited by the presence of alcohol or some other narcotic poison or stimulant.

In this condition the man is a firm believer in the text; that is, that he "must drink no more water." He also believes that it is absolutely necessary for him to take wine or alcohol (for by this time wine will not satisfy the irresistible cravings of his appetite). If he abstains from strong drink, he is afflicted with loss of appetite, nausea, gnawing pains, and a sickening sensation at the stomach, also lassitude, and a disturbance of all the functions of the body.

At this stage the drunkard *may* yet reform and save himself from the terrible tortures of *delirium tremens*, followed by almost certain death, but it will require a fearful struggle with his appetite, a struggle from which comparatively few come out conquerors. Yet a few out of the great army of thousands that are marching with steady and certain step to a drunkard's grave do here desert the black flag of death that floats over that army, and by the exercise of great will power they do save themselves, and become sober men; but the reform is only accomplished by total abstinence. So long as the drunkard indulges in the smallest degree, so long will the propensity to drink be perpetuated.

Figure 4 represents the inner coat of the stomach ulcerated, as the direct and certain result of alcoholic inflammation. There is yet a faint hope that reformation is possible, but it is not probable. Men have lived and reformed who had arrived at this point on a drunkard's downward career, but not one in a hundred.

Figure 5 is a representation of the stomach of a drunkard who died immediately after a long debauch. It shows a high degree of inflammation, and the color is changed to a livid red.

The last of these plates represents the internal coat of the stomach of a man who had died of the *delirium tremens*. The fearful effects of alcoholic poison, as thus shown in color, are indescribable in words. In some places the mucous membrane seems to be in an incipient state of mortification.

The effects of alcohol are not alone seen and felt in the stomach. As soon as it is taken into that organ it excites the heart through the great sympathetic nerve, quickens its movement in an effort to counteract, through a more rapid supply and change of blood, the local injury being done to the stomach. Larger quantities increase this action, and acting locally it coagulates or thickens the albumen, contracts the red corpuscles of the blood by carrying a part of their fluid and coloring matter to the *liquor sanguinis;* it also affects the functions of all the organs, hastening and retarding them by turns, thus wasting much of their normal power; it influences the respiratory processes through the sympathetic and motor nerves. In short, it always, in its use, sows the germs of an infinity of diseases, and in the end as surely causes death as does the knife of the assassin. It is, in fact, an assassin that, licensed by law, goes forth to conquer and to slay. Not one sentence, not one word, can be said or written in its defense, but its effects are always evil when used as a beverage. We hang the criminal who murders his fellow man, that the terrible punishment which the law inflicts may, by its warning example, deter others from the commission of crime; yet we nourish and foster alcohol, encourage its use by special license and legal protection, permit it—a reckless murderer—to stalk through the land on its mission of sin and crime, alike bidding defiance to the laws of God and regardless of the welfare of mankind.

Can any sane man who has read the noble words of the sainted Apostle in his inspired epistles, who has read the history of his pure life as a disciple, believe that he ever intended to sanction the use of that to which the earth is indebted for so much of the sin and crime which his Lord and Master died to expiate?

To quote the word of God to sustain the traffic in liquor is blasphemy. To permit the traffic by law is a national crime.

To countenance its use, even by apathy and indifference, is a sin as great and palpable as a violation of the plainest mandates of the law. Every motive under heaven that should prompt men to do good instead of evil, to promote virtue and morality instead of vice, demands of a Christian people the abolishment of the wicked traffic, as they hope for happiness and prosperity in the future

CHAPTER XXXI.

HOW LIQUORS ARE MADE.—USEFUL (?) RECEIPTS.

1st Witch, *alias* distiller—

"Round about the cauldron go,
In the poisoned entrails throw—
Toad, that under the cold stone,
Days and nights hast thirty-one
Swelter'd venom sleeping got,
Boil thou first in the charmed pot!"

2d Witch, *alias* rectifier—

"Fillet of a fenny snake,
In the cauldron boil and bake;
Eye of newt and toe of frog,
Wool of bat and tongue of dog,
Adder's fork and blind worm's sting,
Lizard's leg and owlet's wing,
For a charm of powerful trouble,
Like a hell broth, boil and bubble."

3d Witch, *alias* compounder—

"Scale of dragon; tooth of wolf;
Witch's mummy; maw and gulf
Of the ravin'd salt-sea shark;
Root of hemlock, digged i' the dark;
Liver of blaspheming Jew;
Gall of goat; and slips of yew,
Silvered in the moon's eclipse;
Nose of Turk and Tartar's lips;
Finger of the birth-strangled babe,
Ditch-delivered by a drab,
Make the gruel thick and slab;
Add thereto a tiger's chaudron,
For the ingredients of our cauldron."

4th Witch, *alias* licensed vender—

"Double, double, toil and trouble,
Fire burn and cauldron bubble;
Cool it with a baboon's blood,
Then the charm is firm and good."

—*Shakespeare's Macbeth.*

FEW of my readers are aware of the manner in which the liquor is manufactured that is found in the bar of the licensed vender of alcoholic drinks. A number of times during my professional life, both as a chemist and as a lawyer, I have had occasion to investigate the secrets of distillers, rectifiers, and compounders, and I state as a fact which is beyond contradiction, that ninety-nine one-hundredths of the liquors sold are vile compounds, composed of nauseous and poison ingredients, nasty, and injurious to health.

We often hear it remarked that in ancient times liquor was not so hurtful to those who drank it as it is to-day, and the question is often asked, Why is this so?

The reason is obvious. Even pure liquor, when used as a beverage, is a poison to the system; but it is mild and innoxious in its effects when compared with the vile and poisonous compounds now sold as old rye whiskey, bourbon, gin, brandy, and port wine. I do not believe there is a gallon of pure gin, port wine, or brandy within the boundaries of this commonwealth. The liquors that are sold as such are all manufactured by the compounder, and the base of all of them is re-distilled corn whiskey.

I will give a few receipts for their manufacture, given to me by an old and experienced rectifier and compounder.

In the production of whiskey, the object of the distiller is to get as much spirits as possible out of a given quantity of grain. To do this various yeasts have been compounded and patented, each inventor claiming that by his invention more of the infernal poison can be obtained from the grain than by the use of any other. In the process of distillation there passes over with the liquor an "amylic alcohol," or, as it is called in the trade, "fusel oil." This is a deadly poison, and the spirits must be freed from it as far as possible before it is safe to use it. This is done by passing the liquor through charcoal, screens, and peculiarly constructed apparatus.

The liquor is also re-distilled, to make a neutral, colorless spirit, which is used as the base of all the vile compounds put upon the market as genuine liquors, and sent upon their mission of crime and death, to be distributed over the country by the legally authorized agents of the license law

USEFUL (?) RECEIPTS.

To make Old Rye Whiskey:

A customer goes to a compounder and orders two qualities of whiskey—one for $4 per gallon and the other for $2.50 per gallon.

To make the first quality the compounder takes re-distilled corn whiskey, dilutes it with water to the required standard of specific gravity, or, in other words, dilutes it until there is about a certain number of average drunks in a gallon. For $4 whiskey a small quantity of genuine old rye is added to flavor it, and some molasses to give it a little more body, and then it is colored with burnt sugar. For the $2.50 "goods" more water and burnt sugar are used and less of genuine old rye. A little alkali is added to give it a "bead," and a large amount of common *lie* to give it age. By a free use of the last ingredient any desired antiquity can be given it.

Formula condensed: Cheap corn whiskey, a little old rye, carbonate of soda, falsehood and fraud *ad libitum*. Use any amount of the latter ingredients necessary to make the article marketable.

To make French Brandy:

Neutral spirits, *i. e.*, corn whiskey, 140 gallons; flavored with one ounce of oil of cognac; color with burnt sugar or a little logwood, and then dilute with water to suit the price. The last ingredients used in making whiskey must be used here freely to get the goods on the market.

To make Port Wine:

Netural spirits (corn whiskey) reduced to 50—100 being the government standard. To color and flavor, use elderberry juice, or for cheap wine for drinks at balls at country taverns, cider colored with logwood extract will answer as well as elderberry juice. The last ingredient used in whiskey not so necessary here, as no person ever saw a drop of pure port wine in this country, and no one will know the difference between a delicious infusion of logwood and the genuine article. There is crime enough in a quart of this detestable compound to keep the criminal court running for over a week.

To make Gin—"Pure Gin," as the label on the bottle hath it—

Neutral spirits, of the same parentage as before, 100 gallons; spirits turpentine, 1½ pint; oil of juniper, ½ pint; 1 gallon molasses. A little carbonate of soda or other alkali is added sometimes, and always a large amount of other *lie*. This is necessary to make the thirsty traveling public believe that diluted spirits of turpentine and corn whiskey combined is actually gin. I took a drink of this stuff about ten years ago, and every time I have seen the landlord since then he has said it was pure gin, and yet, as a mental phenomenon, I can't say that I am fully satisfied that it actually was so.

To make Cherry Brandy:

Neutral spirits, 25 gallons; water, 25 gallons; molasses, 8 gallons; the juice of black cherry, 5 gallons; oil of cloves, ½ ounce; oil of cinnamon, ½ ounce; oil of bitter almonds, ½ ounce. You may use with this also either *lie* or alkali, or both: the one to give it currency as a circulating medium, and the other to give it a "bead" in the glass.

All the wines with euphonious French names enumerated on the bills of fare in our fashionable hotels are but so many vile compounds made with cider, corn whiskey, and French flavors, and many of these flavors are chemical extracts, manufactured from the sewers of Paris, from the disgusting offal and garbage of a great city. There is very little pure wine imported from Europe to this country, but thousands of barrels of cider are every year shipped to France and Germany, where they are drugged, flavored, and manipulated by the manufacturers of spurious wines, and then returned to us in bottles with fancy labels, to be drunk by the American connoisseurs, who smack their lips over the compounds. Verily, "Where ignorance is bliss, 'tis folly to be wise."

In Vol. xxxix of the *Scientific American*, page 344, the reader will find a very interesting article on "Frauds in Wine-making," from which I take the following extracts:

"There is perhaps no article of daily consumption that undergoes a greater variety of adulteration than wine. Indeed, it is not only adulterated, but much of the liquid we know by that name is entirely innocent of any grape juice at all. For instance, the sherry for which Hamburg has long enjoyed a notoriety, is not sherry, but merely a fictitious article; yet this, when exported to other countries, passes for genuine. True port wine

is very rarely seen in the market, most, if not all, of the stuff sold under that name being a mixture of elderberry juice and other articles; and Madeira is usually composed of sherry variously doctored. It is well known to those living in France that Nancy bears the odious name of having been the first to set the vicious example of a systematic adulteration of French wines, both red and white; and that Lorraine, Alsace, and Luxembourg are notoriously the centre of extensive manufacture of spurious wines, some of which owe nothing to the vine. Celebrated brands of champagne, as Roederer and Clicquot, are here concocted from rhubarb juice and carbolic acid. Light clarets, rough red Rouissillon, and other wines can be produced to suit the most fastidious taste by merely refermenting squeezed grape-husks that have once been used, along with coarse sugar made from potatoes.

"We can divide the materials serving for the adulteration of wine into six great classes: water, alcohol, sugary matters, astringent or acid matters, coloring matters, and certain others designed for giving the bouquet. This subject of the falsification of wines, to properly treat it, would require a volume. We must limit ourselves here to an enumeration of the coloring matters used, the deleterious character of which is not only exciting the attention of French physicians and scientific men, but of the French government as well. The syndicate of Narbonne have formally complained to the Minister of Agriculture that Portuguese, Italian, and Spanish wines, [illegible] colored by the juice of elderberries, enter freely into France. Yet the wine growers of the Narbonne district have themselves learned to make use of the elderberry as well as of material less innocuous. Fuchsine, which is prepared by adding arsenious acid to coal-tar analine, is used in immense quantities for imparting a fine ruby red to wines, although it is known to be poisonous. There are a host of other coloring materials less dangerous than fuchsine, but still injurious to health, in common and daily use for the manufacture of wines. There is a decoction of campeachy wood, extract of mallow, cochineal, rosaline (one of the coal-tar colors), coloring, black mulberry juice, red beet, poppy, and various fantastically named essences of vegetable, mineral, and animal origin. It is stated that in July last year a single grower of Narbonne sold ten thousand francs' worth of cochineal coloring to wine growers of the village of Odeillam alone, to be used to tint poor and pale wines. M. Paul Manot, the representative of the eastern Pyrenees in the French Assembly, has laid before the government a mass of authentic evidence on this subject. It was proved, for instance, by a careful analysis, that a quart of one certain wine contained no less than half an ounce of alum, and also the red extract of coal tar called gunate, which was formerly thrown away as worthless, but now commands a high price as an ingredient in the composition of fuchsine, which is thrown by the hundredweight into wine vats.

"Happily, chemistry has given us the means of detecting these adulterations. The best and simplest method of doing this is given by M. Didelot, a chemist of Nancy. The test is a tiny ball of gun-cotton. This is dip-

ped into a glass of the suspected wine, and when washed will resume its whiteness, if the wine be pure; if not it will retain the red color due to the poisonous fuchsine. The addition of a few drops of ammonia gives a violet or greenish hue when vegetable matters have been used for imparting the desired color. Benzine forms with fuchsine and its allies a red jelly that floats on the surface. A new *industry* (?) is daily becoming more and more important; it is the manufacture of ethers of a complex composition for the purpose of giving wines particular bouquets. By the addition of very small quantities of these ethers new wines may be converted into the semblance of old in a very few minutes, or certain poor wines be made to resemble those of famous vintages. Thus we see that science is ever busy in her endeavors to increase the number of products necessary to modern civilization."

But what about ale and beer? ask my readers.

To answer this question I can do no better than to quote entire an article published in the *Chicago Tribune* of September 25, 1878. It is graphically written, and evidently more in sorrow than in anger. The writer manifestly feels very much as a lover would feel who has reason to doubt the fidelity of his mistress, or perhaps more than doubt—like one who has discovered some startling fact that even love cannot excuse or overlook. We sympathize with the *Tribune's* correspondent, and we appreciate his sorrow, but misplaced confidence in those we love is so common in this world that he who has never felt the pain it causes is an exception to the general lot of men. Here is the article:

"The Milwaukee *News* in a recent issue has an article upon substitutes for beer in which it is shown that malt and hops are rarely the foundation of beer in that city. Of course, if they are not used to any extent in that city, the suspicion will at once arise that they are not used in this city. If they do it in Milwaukee, there is a possibility that they do it here. Can it be that they all do it? The *News* alleges that the brewers of that city are using corn and rice instead of malt and hops, and the worst of it is, it proves it by reference to the revenue books, upon which the brewers are required to record each month every pound and bushel of material purchased for the manufacture of malt liquor. Here are some of the statistics from these pages of overwhelming testimony. During six months of the present year Philip Altpeter has purchased 3,500 bushels of corn. The Philip Best Brewing Company, at their five breweries, consumed, during the same period, 346,218 bushels of corn, and 72,382 pounds of rice. Valentine Blatz in four months used up 20,700 bushels of corn, and 87,337 pounds of rice. The Milwaukee Brewing Company have devoted themselves all this year to

corn, consuming 27,455 bushels. Frederick Miller, with equal assiduity, has given all his energies to rice, using 81,258 pounds. There are five brewing establishments who report no consumption of any material except hops and malt. At first thought one is tempted to rejoice that there are five honest and righteous firms, but even in these cases the demon of suspicion comes in again, as it is stated that several of them buy large quantities of malt from the maltster Gerlach, who runs a rice-malt mill for their special accommodation. We can trust no one in that wicked city, that has hitherto enjoyed such an excellent reputation for honest, cheap, and wholesome beer. It has tampered with that reputation and lost it. Beer should be above suspicion. We expect spirituous liquors to be adulterated. Indeed, we should be inclined to resent it if they were not. Nothing would so sadden the average drinker as to miss the benzine in his whiskey, the fusel oil in his brandy, the apple juice in his champagne, or the old boots in his claret. The unadulterated article would not have the snap and zest of the drugged compounds to which he had been accustomed. The patron of wet goods will find no fault with these, but he must have his beer pure and innocent. It is his solace in time of sorrow, the *Gemuthlicheit* for his hours of gladness, his tonic when he is reduced, and the steadfast strengthener of his social ties. One never reaches the lowest depth of despair so long as he can get good beer. When that fails, then, indeed, are the dolls stuffed with sawdust and life no better than sounding brass and the tinkling cymbal.

"A gentleman who has been for years confidentially employed in one of the largest of the Milwaukee breweries, in an interview with the representative of the *News*, draws a sad picture of the effects of this wretched corn and rice beer. He says: 'Beer made from corn, rice, or wheat, is about as much beer as butter made from beef scrapings is butter, or sugar made from old rags is sugar.' The rice is specially hurtful to the health. It gives the beer color and body, but it gives the drinker a head the next morning. The man who drinks ardent liquors expects to have a head on him the next morning, and he is disappointed if he does not find it constructed upon a very big scale; but he does not expect a head from beer any more than he does from his tea and coffee. On the other hand he should arise refreshed and re-invigorated like a lion. Further says this one who knows: 'Corn is not so injurious to the health, but beer made partly from corn must be consumed right away. It is rather laxative in its effects. I have no doubt that either corn or rice made beer is capable of harm to delicate persons, to women, and to nursing children of women who drink it. Another thing, beer made from corn can never be lager beer. It has to be marketed and consumed while 'green.'

"Of course, the most suggestive feature of all this painful development lies in its local application. Are our brewers, like those in Milwaukee, reduced to such desperate straits in trying to keep body and soul together that they have to resort to these unwholesome practices? Are they charging the saloon-keepers war prices for beer substitutes in order to keep out of the poor-house? Is the thirsty soul who lays down his nickel for a pen-

ny's worth of beer buying an extract of rice or corn instead of the juice of the malt and hops? These are questions that ought to be answered, and the brewers themselves ought to do it."

The compounds described are what are meant in our license law by the terms "malt, brewed, and distilled liquor." The act of Congress, or the internal revenue law, grants licenses to rectifiers and compounders. Section 3,244 of that law, passed July 10, 1870, defines the term rectifier as follows: "And every person, who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any materials, manufacture any spurious imitation, or compound liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying," &c. And this section provides that the rectifier shall pay a license of two hundred dollars.

It will be seen that these vile and poisonous compounds are recognized by the laws of the United States as merchantable [illegible]. The manufacturer, dignified with the name of "rectifier," is allowed to make them and put them on the market. That is, the rectifier (?) may pay a Christian government two hundred dollars per annum, and receive therefor a license to manufacture any poisonous compound; give to it a lying name calculated to deceive the public; sell it to the people, thereby poisoning the physical body to death and the soul to perdition.

And the State laws, under the plea of "necessity to the drinking public"—as specious a lie as the names given to the compounds—license places where these poisons may be sold to the ignorant and unsuspecting.

We read with horror that the negro kings of Africa permit human sacrifices in their kingdoms. Barbarous and brutal as they are born—sunk in a depth of ignorance only a little above the brute—they may plead in extenuation of this horrible custom that it is in accordance with their religion; that they do it in the spirit in which Abraham was about to sacrifice Isaac, because they believe their deity demands it, and that the god of their people delights in the sight of human blood. But we tolerate a production and traffic in a poi-

son that, in the startling language of the Rev. Charles H Fowler, D. D., "murders sixty thousand men annually; doom to an inheritance of rags and shame two millions of childrer hangs a millstone around the necks of three millions of wo men, and casts them into the social sea; sends over two hund red thousand paupers to the poor-houses; over two hundre thousand criminals to the gallows and the prison; bequeath two hundred thousand orphans to public charity; horrifie the year with four hundred and fifty suicides, seven hundre murders, and commits to the demon of lunacy twelve thousan human beings."

All this multitude of horrors is due to these compounds and caused, either directly or indirectly, by their demoniac influence; and to this may be added the startling fact tha they take from the public comfort the enormous sum o $2,607,491,866 annually, and expend it in crime. Remembe that we do not live in Africa nor in the cannibal islands of th sea, but in a Christian land.

When a century or two have passed, and the future reade shall learn from the pages of history that such a code of law once existed among an enlightened people, it will create fee ings of surprise and astonishment akin to those with which w now read of the temples in ancient Babylon dedicated to lus and debauchery, or view those portions of the ruins of Pompe once the open, law-established shrines of sin and shame.

That the license law cannot long survive an awakened pub lic sentiment is certain. It must, in man's onward progress be obliterated from our statute-book. The time is not distan when people will wonder that it was ever there; that it wa ever tolerated, even as we wonder that human slavery could once have existed in a land that, above all others, boasted of the liberty of its people and the freedom of its institutions.

CHAPTER XXXII.

"A CURE FOR HARD TIMES: MAKE YOUR WIFE YOUR BAR-TENDER."

> **"Wine is like anger: for it makes us strong,**
> **Blind and impatient, and it leads us wrong;**
> **The strength is quickly lost, we feel the error long"**
>
> —Crabbe

> **"Thee shall each ale-house, thee shall each gill-house mourn,**
> **And answering gin-shop sourer sighs return"**
>
> —*Pope.*

"How many drinks a day do you take?" I asked a business man who had just informed me that he never drank enough to hurt him. "Oh," said he, "not over three. I generally take a drink before each meal: it gives me an appetite and helps digestion. But I can drink or let it alone, just as I wish."

True, so he can now, and so once could every drunkard; but as the digestive organs become accustomed to the poison stimulant, their demand for it increases, and either the number of drinks or the quantity drank must be increased. This is as certain as the operation of any of the immutable laws of nature, but of this fact we have spoken in former chapters, and will not repeat what we have said.

Three drinks per day! and for what? Does the mechanic, or laboring man, or business man require it to help to endure the cares, the perplexities, the physical or mental exertion necessary to accomplish his daily task? Is the male organism so different from the female that it requires a stimulant to assist it in the daily routine of labor and business? How is it with the patient wife at home? Has she no cares, no labor to perform? Is there nothing in the endless monotonous task of cooking, baking, washing, mending, and housekeeping that re-

quires the aid of a stimulant as much as the labor incident to the occupation of the husband? Why is it that the necessity of the saloon and dram-shop is felt only by men? If my business friend to whom I referred should ascertain the fact that his wife found it necessary to go to a public bar-room and take three drinks per day to help her to endure the fatigues and trials incident to her daily occupation, what a look of astonishment would enliven the masculine countenance! How surprised would be the husband and father! How astonished the head of the family would feel at the discovery of the startling fact that the hard-working wife felt the same fatigue at her daily toil, and required the same stimulating relief that that he did. But why not, my good sir? Your labor is not harder or more perplexing than hers, and yet you must spend at least thirty cents per day in drink to help your stomach to digest the food she has labored to prepare for you—yes, over the heated oven and stove, with the thermometer at 100 degrees in the shade, she has had to stew and bake, boil and broil, to provide means to gratify your appetite, and you object to her taking an occasional drink to cheer her in her laborious pathway—as dreary and monotonous as the tread of the horse in the circular path of the mill—while you, poor man, so frail and feeble in constitution, amid the varied and exciting scenes of business life, might fall by the wayside from sheer exhaustion but for the stimulating effects of three drinks per day.

Why, three drinks a day would purchase your wife three new nine-dollar bonnets per year, one silk dress at thirty dollars, four calico ones at two dollars apiece, and then leave the sum of over thirty dollars, which might be safely and permanently invested either in taxes, life insurance, or clothes for the children, and at the end of the year your health would be better, your family happier, and you much further from a drunkard's life and bankruptcy in business.

In my morning paper I noticed the following extract from a temperance lecture delivered at Maysville, Ky., by C. T. Campbell, and I quote it for the benefit of those who can best appreciate it—*i. e.*, the men who take three drinks a day, and look so grave at home whenever the subject of a new bonnet is mentioned by the hard-working wife:

"**Bar-keepers in this city pay on an average $2 per gallon for whiskey. One gallon contains sixty-five drinks, and at ten cents a drink the poor man pays $6.50 per gallon for his whiskey. In other words, he pays $2 for the whiskey and $4.50 to a man for handing it over the bar. While it would be better for all not to drink, some men will have whiskey, and my advice to them is this: Make your wife your bar-keeper. Lend her $2 to buy a gallon of whiskey for a beginning, and every time you want a drink go to her and pay ten cents for it. By the time you have drunk a gallon she will have $6.50, or enough money to refund the $2 borrowed of you, to pay for another gallon of liquor, and have a balance of $2.50. She will be able to conduct future operations on her own capital, and when you become an inebriate, unable to support yourself, shunned and despised by respectable people, your wife will have enough money to keep you until you get ready to fill a drunkard's** grave. But had you paid all this money to a bar-keeper, he would not have given a cent to bury you, or a crust of bread to keep your children from starving.

"Few people ever stop to calculate the cost of dram-drinking. At ten cents per drink, one drink per day will cost $36.50 per year, two drinks per day will cost $73, three drinks $109.50, and four drinks $146 per year. A man came to me the other day to pay the interest on a note of $100 I hold against him. Said he, 'I only receive $600 a year, and with a family to support, I am not able to pay my debts.' I asked him to take a pencil and make a slight calculation for me, and then asked how often he drank at a bar. His average was three drinks per day, which, by his own calculation, amounted to $109.50, or enough to have paid both principal and interest of the note and have $1.50 left. He was astonished at the discovery, and is now determined never to drink at a bar again."

CHAPTER XXXIII.

YIELDING TO THE FIRST TEMPTATION IS THE FIRST STEP TO RUIN.

"'Tis wisdom to beware,
And better shun the bait than struggle in the snare.
To shun allurement is not hard
To minds reso ved, fore warn'd, and well prepared;
But wondrous difficult, when once beset,
To struggle through the straits, and break the involving net."
—*Dryden.*

"Again the devil taketh him up into an exceeding high mountain, and showeth him all the kingdoms of the world, and the glory of them;
"And said unto Him, All these things will I give Thee, if Thou wilt fall down and worship me."
—*Matthew iv. 8, 9.*

Now, it is a notorious fact that when the king of the grog-seller's and the drunkard's future realm made the magnificent proposition narrated by the Apostle, he did not own a single foot of the territory that he proposed to bestow as the price of reverence to his majesty and power. Not even the renowned firm of Quirk, Gammon & Snap, had they given his claim a moment's consideration, would have had the hardihood to have commenced in his name an action of ejectment against the original owner, for the premises pointed out in the offer made. It is true that very many of the *terre tenants* held possession of the premises they occupied by leases given under the hand and seal of the great claimant "to all the kingdoms of the world." It is also true that the law-making powers of different countries had, to a certain extent, acknowledged his right, and even to-day the legislatures of many of the States of our glorious Union have enacted laws to sustain his claim and calculated to give him a firmer and more secure possession of the great "freehold" of earth. It is also true that the highest judicial tri-

bunals in the land have, by their decisions, almost recognized him as a *tenant in fee* to the great domain he so generously offered to bestow upon the Saviour as a reward for homage to him, and that this tenantry dates as far back as that terrible morning in the infancy of creation, when the flaming sword of the cherubim guarded the "way to the tree of life." While all this is true, yet it is a well-established legal principle that *prescription* cannot be "set up" against the "State" or "the source from which all titles come."

"At common law," says a learned English writer on estates, "where there has been an enjoyment as much as sixty years, it gives a title absolute and indefeasible against all claimants except the king." And although for sixty centuries the devil has claimed to own "all the kingdoms of the world and the glory of them," yet his title is absolutely so worthless that a modern Shylock would not lend money at one hundred per cent. interest per month, and take a mortgage on his estate as security. No! the claim of the foul fiend is only recognized by politicians who, by legislative enactment, are willing to grant him a great franchise—the right to ruin men, beget crime, and manufacture drunkards, criminals, and paupers.

Like all other great claimants, he has his friends who advocate his claims, but they are not found among the great and good of the land; they do not build Christian churches, nor adorn them with their presence at religious services; they do not build schools and institutions of learning; they are not conspicuous among the great philanthropic benefactors of the world. But they swarm in the purlieus of vice in our cities; they fill our prisons and poor-houses, our rum-shops, drinking-saloons, and gambling-hells; are seen in great numbers around the precincts of our elections, and—to the infinite shame of the American people—great numbers of them obtain seats in the halls of legislation of this Christian country.

The most powerful advocate of the claims of the Devil to the possession of the kingdoms of the world is ALCOHOL. By and through its agency the great demoralizing effects of intemperance permeate alike the private circles of home and the public gatherings of society. Its influence is seen everywhere: among the great ones of earth and the humblest servants of

their fellow-men; by it all are tempted to do evil, but never prompted to do good. Its demands are most irresistible and extortionate, yet men submit, and by an irresistible impulse are compelled to obey. If it demands all that a man possesses—health and wealth, home and friends, wife and children—straightway is the demand recognized and complied with. But few have the physical and moral power to say no, but all bow in submission to its mandates and in obedience to its will. This fact is well portrayed in the following poem by the Rev. Mr. Maclellan, of Scotland:

"A FIEND once met a humble man
At night, in the cold, dark street,
And led him into a palace fair,
Where music circled sweet;
And light and warmth cheered the wanderer's heart,
From frost and darkness screened,
Till his heart grew mad beneath the joy,
And he worshipped before the fiend.

"Ah! well if he ne'er had knelt to that fiend,
For a task-master grim was he;
And he said, 'One half of thy life on earth
I enjoin thee to yield to me;
And when from rising till set of sun,
Thou hast toiled in the heat or snow,
Let thy gains on mine altar an offering be.'
And the poor man ne'er said 'No!'

"The poor man had health, more dear than gold,
Stout bone and muscle strong,
That neither faint nor weary grew,
To toil the June day long;
And the fiend, his god, cried hoarse and loud,
'Thy strength thou must forego,
Or thou no worshipper art of mine.'
And the poor man ne'er said 'No!'

"Three children blessed the poor man's home,
Stray angels dropped on earth.
The fiend beheld their sweet blue eyes,
And he laughed in fearful mirth.
'Bring forth thy little ones,' quoth he,
'My GODHEAD wills it so;
I want an evening sacrifice.'
And the poor man ne'er said 'No!'

"A young wife sat by the poor man's fire,
Who, since she blushed a bride,

Had gilded his sorrow and brightened his joys,
His guardian, friend, and guide.
Foul fall the fiend! he gave command,
'Come mix the cup of woe,
Bid thy young wife drain it to the dregs.'
And the poor man ne'er said 'No!

"O, misery now for this poor man,
O, deepest of misery!
Next the fiend his god-like reason took,
And among the beasts fed he;
And when the sentinel mind was gone,
He pilfered his soul also,
And—marvel of marvels—he murmured not;
The poor man ne'er said 'No!

"Now men and matrons in your prime,
Children, and grandsires old,
Come listen with soul as well as ear,
This saying whilst I unfold;
O, listen, till your brain whirls round
And your heart is sick, to think
That in *America* all this befell,
And the name of the fiend was DRINK."

CHAPTER XXXIV.

MISTAKEN IDENTITY.—THE PAINFUL RESULT OF ONE OF MY LECTURES.

"Let me have me about men that are fat:
Sleek-headed men, and such as sleep o' nights:
Yo'd' Cassius has a lean and hungry look,
He thinks too much; such men are dangerous."

—*Shakespeare.*

"'Tis ever common
That men are merriest when they are from home."

—*Shakespeare.*

I WAS invited to lecture on temperance in the town of G— On my way I met an old friend and client, Perry D., a genial, generous, whole-souled fellow, a man who weighed over two hundred pounds, and one who, although temperate in the main, yet occasionally took a social glass with a friend, just to show his respect for the license law, and to patronize the men of "moral character" who do so much for the community by supplying the traveling public with the great necessaries usually found in the saloon and grog-shop. Perry was a large, fine-looking man, with a ruddy countenance always illuminated with a pleasant smile, as if the cares of this world rested lightly on his broad shoulders, and life's trials and troubles were unknown to him. On the other hand, the temperance lecturer was a man of medium stature, whose average weight was a quarter less than that of his friend, and who had a somewhat lean and cadaverous countenance, seldom illumined by a smile, and when it is so lighted up reminds the beholder of the appearance of the earth when the ghastly rays of a partially eclipsed sun flit for a moment over a sombre landscape. In fact, the resemblance between the two men was not unlike that of the diminutive Shetland pony to the magnificent proportions of the Percheron.

Perry had some business to attend to in G—— which compelled him to stay until the next day, and after supper he invited a friend to go with him to hear the lecture. There was a large audience in attendance, and conspicuous among them was seen the colossal proportions of Perry. During the lecture he looked so grave and solemn that the lecturer congratulated himself on the very apparent fact that he was making a deep and lasting impression on the mind of his old friend. Encouraged by the solemn expression of his countenance and the evident signs of contrition, conviction, and conversion, the lecturer waxed eloquent, and inspired by the asserted truth that there is more joy in heaven over one sinner that repenteth than over ninety and nine just persons, he took the conspicuous person of his old friend as a target, and at him sent the arrows from the quiver of his argument against temperate drinking, with a force that seemed irresistible.

After the lecture a number of former converts arose and told their experiences: how for years they had been captives and slaves to their appetite; how they commenced life buoyant with hope and bright anticipations of the future; how in an unguarded moment they commenced the downward career, lured by the attractions of the social glass, tempted by fashion and custom; how, slowly yet surely, step by step, they approached the awful abyss of a drunkard's life; or how, all unconscious of their danger, and deceived by the placid waters on which they floated, they saw not the eddying waves of the maelstrom in the distance, whose edge they were fast approaching; how, when it was almost too late, when their frail bark was almost within the vortex, they were first aroused to the dangers that surrounded them; and how, in the tones of agonizing prayer, calling on God to help them, they then seized the oars of good resolution, and, bending to the stroke, at last urged their frail boat through the circling waves into the haven of temperance and reform. All this, and much more, was told with startling effect, and to it all Perry listened as one whose attention was directed toward himself, and whose convictions were aroused to a sense of his own danger, and the necessity of immediate reformation. The meeting closed, and Perry and his friend walked along the streets toward their hotel. He ap-

peared to be lost in thought, and absorbed in reflections caused by the lecture and experiences he had just listened to. His friend, observing what he supposed was the silent workings of conscience, and hoping for a good result, was careful not to interrupt the current of his thoughts, but preferred to leave him to the effect produced by the inward monitor upon all reflective minds. For some time they walked on in silence, when Perry suddenly remarked in a very emphatic manner:

"Sam! that temperance meeting has made me most infernal dry; let's go somewhere and get a drink."

Sam acquiesced, with improper alacrity, and soon ahead of them they saw the ever-present great "necessary institution," a grog-shop, with its alluring sign and open portals, inviting the traveling public to enter and drink.

They entered. Perry, with the assurance of a man who had fully made up his mind as to what was needed for their comfort, walked up to the bar, and in a firm yet persuasive tone of voice remarked:

"Two whiskeys straight."

The man with the "good moral character" looked the thirsty applicants over for a few moments, and then in a surly tone and most concise manner, replied:

"Haven't got any!"

Perry looked disappointed and surprised, and after a moment's reflection said:

"Give us two glasses of ale."

The man of "good repute for temperance and sobriety," in his former tone and style of diction, replied:

"Haven't got any."

"Give us two glasses of lager, then," said Perry.

"Haven't any!" said the owner of a great franchise.

At this Perry's good-humored countenance assumed a most fascinating smile, and he pleasantly requested that they be accommodated with two glasses of pure cold water.

"Don't keep any!" growled the man whose business in life is to supply the wants of the traveling public.

Perry and his friend looked in amazement for a moment at the accommodating proprietor of this great public institution, and then retired. As they closed the door after them they

heard him remark to some of the "traveling public" who lived in an adjoining street, and were seated around a table in his room:

"That's the cussed galute that lectured on temperance up at the church to-night. I know one of them fellers soon as I see 'em, and they never can get a durned thing at my bar. I keep a saloon to 'commodate respectable travelers, and them temperance loafers can't fool me a cent's worth, for they all look alike."

The next morning Perry counseled an eminent attorney, who informed him that an action of slander would not lie against the saloon-keeper, and now he says that if he ever meets that temperance lecturer in a car again, he will "stop over" and take the next train.

CHAPTER XXXV.

THE MOUNTAIN IN LABOR.

"He'd undertake to prove, by force
Of argument, a man's no horse;
He'd prove a buzzard is no fowl,
And that a lord may be an owl,
A calf an alderman, a goose a justice,
And rooks committeemen and trustees"

—*Butler's Hudibras.*

"Justice is lame as well as blind amongst us:
The law corrupted to their ends that make them."

—*Otway.*

"A MOUNTAIN," says Æsop, "was once greatly agitated. Loud groans and noises were heard; and crowds of people came from all parts to see what was the matter. While they were assembled in anxious expectation of some terrible event, from a hole in the mountain out came a little mouse." So reads the fable, and the moral taught in the simple story is this: "*Don't make much ado about nothing.*"

Not long since a great judicial tribunal in our commonwealth was in the pains of parturition; a grave and important legal question had been presented to the Court for consideration; a question whose discussion and decision involved every grade of legal ability, from the wisdom of Solomon to the acumen of Sancho Panza and erudition of Dogberry; a question involving not only the rights of man, but a great scientific fact. That question was, "*When the law prohibits an act being done on a certain day, when does the day begin and end?*"

Now, be it known to my readers that the legislature of our great commonwealth recently discovered a fact not known to politicians: "That men when under the influence of liquor are not as capable of exercising the elective franchise properly as when they are sober." When this new and startling fact had

penetrated the carapace that surrounds "the dome of thought" of the average legislator; when this self-evident truth had dawned upon the inquiring mind of our law-makers, an act of assembly was passed, making it a misdemeanor for any licensed holder of "the great prerogative" to sell or give to another a drink of liquor on "election day." Why this act was passed is a mystery, and to the thinking mind will ever remain among those things that, in the language of "Lord Dundreary," "No feller can find out." For if it be right to grant a license to sell liquor, if there be nothing wrong in the traffic, why should its sale be prohibited on election day? If it be right and proper to sell alcohol to the traveling public at any time, why restrict it to certain days? If it be necessary, and its use does no harm, why not permit its sale at all times? Are men to be deprived of the necessaries of life by law, and of individual rights by legal enactments?

Well, it came to pass that at a certain election precinct in the town of N——, after the polls had closed, a hotel-keeper opened his bar. He naturally reasoned thus: "I have purchased of the Commonwealth a great franchise; I own the right to sell liquor, and although the legislature, through the personal experience of its members, has become satisfied that (outside of the legislative halls) men can vote more intelligently when sober than when drunk, yet, as the polls are closed, and the reason for closing my bar no longer exists, I may now open it, and pursue my time-honored and lawful occupation." His logic seemed to be faultless, and his method of reasoning strictly Baconian, yet

> "The best-laid schemes o' mice and men,
> Gang aft a-gley.
> And lea'e us nought but grief and pain,
> For promised joy."

He was arrested, and indicted for a violation of the act of assembly. The case came on for trial, and the court and jury were wrestling with the grave question, "When did election day end?" There was no vital principle involved in the issue. The ruin wrought by the traffic did not enter into the case—not! Though pregnant with woe to the human race and sor-

row to the family circle, while crime was its offspring, pauperism and immorality its lineal descendants; while it stained the records of the court with the history of murders perpetrated by its influence, and brought sorrow and suffering to many firesides; yet all this was forgotten, and learned lawyers seriously discussed the paltry question to the Court—"*Whether by law the day on which the country enjoyed a cessation of the evils of the liquor traffic was twelve or twenty-four hours in length.*" Truly here was an occasion for the exercise of legal ability and forensic eloquence. What an intellectual strain it must have been on the great legal minds of those who argued the case, and what a physical strain on the judges who listened to the argument. But the Court rose with the greatness of the occasion, and finally decided that the day contemplated in the wisdom of the legislature was twenty-four hours in length. And it is now recorded as a legal precedent that a grog-seller may sit up all and every night and sell whiskey if he desires to do so, except on the night of the day of the election, when he cannot sell until after midnight.

When the average human mind contemplates this important case and its decision, it is at a loss which to most admire—the definition of law by Blackstone, or of a court of justice by "Punch": the former, "That law is a rule of conduct prescribed by the supreme power of a state, commanding what is right and prohibiting what is wrong;" the latter, "That a court is a place where law and justice are *said* to be administered."

Every restriction which the law throws around the liquor traffic only serves to show more clearly the monstrosities and incongruities of the license system.

"You shall not sell or give intoxicating liquor to the man of intemperate habits," says the law to the licensed vender. A few days ago a friend related to me the following incident; it needs no comment; the simple tale itself contains an argument that must impress itself on every mind:

"A young man entered the bar-room of a village tavern and called for a drink. 'No,' said the landlord; 'you've had too much already. You have had the *delirium tremens* once, and *the law will not let me sell you any more.*' At that moment two

young men entered the room and called for drinks. While the obsequious landlord proceeded to wait on them very politely, the other stepped back to give place to the more welcome customers, and stood silent and sullen. When they had taken their drinks, he walked up to the landlord and thus addressed him: 'Six years ago, at their age, I stood at this bar, as these young men now are. I had fair prospects in life; I had health and industrious habits; and more than all, I had a young wife whom I dearly loved. Now, at the age of twenty-eight, I am a wreck in body and mind; my wife died of a broken heart, and with her unborn child lies in yonder churchyard. You led me to drink; in this room I formed the habit that has been my ruin. Now sell me a few glasses more, and your work will be done! I shall soon be out of the way, and sleeping by the side of Mary and my little babe out yonder; you can see their grave from here. Let me then have a few more drinks, for there is no hope for me. But these young men can be saved; they have not yet formed the irresistible appetite that I formed here, and that has been my ruin. Do not sell it to them again. Sell it to me, and let me die, and the world will be rid of me; but, for Heaven's sake, sell no more to them! But give me a drink! I *must* have it, to quench the fire of hell that burns within me!' And while the landlord stood pale and trembling, he seized the bottle from his hand and rushed into the street. No pursuit was made, and the next morning he was found lying on the grave of his wife, by his side the bottle, emptied of its contents."

Like poor "Jo," in "Bleak House," he was dead: "Dead, most honored law-makers; dead, most Christian philanthropists; dead, Right Reverend and Wrong Reverend of every order; dead, men and women, born with heavenly compassion in your hearts; and dying thus around us every day!"

Let us suppose that this incident had occurred on the night of election day; that this legalized murder had been perpetrated because, in violation of law, the bar of the licensed vender had been opened before twelve o'clock at night, and the next morning, when the murdered man had been found on the grave of his wife, a coroner's jury had been called to inquire into the cause of his death: it would have been very apparent that it

s caused by the liquor he drank that night. The empty bot-
by his side, with the testimony of the worthy man who had
right to sell whiskey because he was a man of "good moral
haracter" and had been licensed by the court, would have es-
ablished this fact beyond dispute. But the time when the act
was perpetrated would now become material. Had the clock
struck twelve at night when the landlord set the bottle within
the reach of the man now dead, or was it before or after that
time? If before, then the licensed vender would have been
guilty of a misdemeanor; if after, then was he an innocent
man, engaged in a lawful occupation. *There is a dispute as to*
the time when the liquor was procured—

"Only this and nothing more."

The murder which the law authorizes a privileged class to per-
petrate ("for revenue purposes") is not the question; no, that
offense is so common that no one notices it. But the grave
question to be settled by a court of justice in a Christian land
after twelve o'clock at night?" Well, the court convenes; the
question is submitted to them; the jury find from the evidence
that the bar was opened at fifteen minutes before twelve
o'clock, and the landlord is found guilty. Guilty of what?
Not of the murder he indirectly perpetrated; not of the offense
of tempting a man to his ruin, and of furnishing him the
means to accomplish that ruin; not that the wife and child in
yonder grave came to their death through his agency—no! not
guilty of that, but guilty of opening his bar a quarter of an
hour before he had a legal right to do so; and he is fined (a
for revenue purposes) for a violation of the law. Had he but
waited half an hour longer before he attempted to enjoy his
"great franchise," he would have been innocent; no one could
have complained of him. The murdered dead—the man, the
woman, and the child—can only testify before the throne of
God's justice on the great and final day. Until then their
wrongs must go unavenged and the criminal unpunished. But
says the Arabian proverb, while "Justice moves with leade
feet, yet she strikes with an iron hand"; and as certainly

men are accountable to a Power higher than any of earth, will that blow come. It may be long years before justice will overtake the offender; yet it is well for him to remember that retribution has for the accomplishment of its inexorable decrees the never-ending ages of the future. Before Heaven's dread tribunal the plea of a "former conviction or acquittal" in the courts of earth will be of no avail. The manner in which the scales of Justice are held at equipoise in the judicial tribunals of this world will be no precedent in the next. The authority of an act of assembly which permits a man to tempt his fellow to sin and crime here will not be recognized before that last great Court, where all "must plead either guilty or not guilty" of disobedience to divine law. Justice on earth must of necessity be blind. The fallibility of human judgment, man's limited knowledge of the motives of the human heart, and the impulses that prompt us to action, our loves and hates, our desires to serve our own ends and accomplish our own purposes, are component parts of the bandage which covers the eyes of the goddess in human tribunals; and

"In the corrupted currents of this world,
Offense's gilded hand may shove by justice:
And oft 'tis seen the wicked prize itself
Buys out the law; but 'tis not so above:
There is no shuffling: there the action lies
In its true nature; and we ourselves compell'd,
Even to the teeth and forehead of our faults,
To give in evidence."

—*Shakespeare.*

CHAPTER XXXVI.

MURDERED BY A GRATEFUL COUNTRY.

" The neighing steed, the flashing blade,
The trumpet's stirring blast,
The charge, the dreadful cannonade,
The din and shout, are past:
Nor war's wild notes, nor glory's peal,
Shall fill with fierce delight,
Those hearts that nevermore shall feel
The rapture of the fight."

—*Poems of the War.*

" Free will is but necessity in play,
The clattering of the golden reins that guide
The thunder-footed coursers of the sun.
He only hath free will whose will is fate."

—*Bailey.*

" While yet her cheek was bright with summer bloom,
Her country summoned, and she gave her all "

— *Thomas Buchanan Read*

"AN INQUISITION taken at the county of C——d A. D. 1866, before me, coroner of said county, upon view of the body of John K., then and there lying dead, do find—That the said John, in attempting to cross a certain railway bridge, *accidentally, casually,* and by *misfortune,* did fall therefrom to the ground, a distance of twenty-five feet, and by means of said fall his neck was broken. And we further find, as a fact, that at the time of said accident John was *under the influence of liquor* and that the A. & G. W. R. R. Co. are censurable for not protecting their bridge in such a manner as to prevent like accidents; and that the attention of the city authorities be called to the bridge aforesaid, and that the railroad company be requested, without delay, to construct a proper railing or fence on said bridge, sufficient to protect persons who may attempt to cross it from falling therefrom;

"And that the said John K. came to his death by *misfortune* and *accident,* and *not otherwise.*

"A. B., Coroner." [L. S.]

This was the "finding" or verdict of the coroner's inquest in a case a few years ago. I was called on to assist in the investigation. The deceased was a soldier just discharged from a hospital, where he had been confined by a severe wound he had received on the battle-field. He had served faithfully in the army for a period of over three years; had been in the first battle of Bull Run and a number of succeeding engagements; was one of those brave men who volunteered at the commencement of the war, and had re-enlisted in that noble band of veterans who were their country's protection in her hour of danger. He had a furlough of sixty days, to visit his family and recuperate his health. A few days after his return he had walked out in the evening along the streets of our city, and was met and warmly congratulated by his many friends on his recovery. While on the street he met a number of that class of public nuisances who appear to be unable to manifest their emotions or sympathies on any subject except by an invitation either to treat their friends or be treated by them "to the drinks." These vagabonds can be seen in crowds on our street corners every day in the week. They infest our public thoroughfares. They are the vermin of the country that creep upon the body politic; and if the law would "*treat them*" as they deserve, the work-house and prison would be their abiding places, and society relieved of an infection.

The wounded soldier was invited into a drinking-saloon, and there, under the protection of law and the liberty of license was induced to drink. Enfeebled in body, the influence of the licensed curse crept upon him unconsciously, and he staggered from the door of the legalized pest-house, and started on what he supposed was the path that led to his home—to that home where sat the expectant wife, happy in the soldier's return, happy that her gentle care and attention had almost restored to health her husband who had been brought to the very brink of the grave fighting in defense of his country. Unfortunately, his recollection, confused by drink, led him astray. He turned to the left instead of to the right, and in the morning was found dead, as we have narrated.

The inquest censured the railroad company for having their bridge unprotected. Not a word was said about the licensed

drinking-saloon—no! it is an honored institution, far above and out of reach of censure. It had a legal right to do just what it did; to sell the wounded soldier a drink; and although that drink proved as fatal as the poisonous hemlock of Athens, although he was murdered by a legalized agent of the commonwealth, this fact was overlooked by the coroner and the twelve intelligent men, who in such cases generally increase the obscurity that usually surrounds a murder. Yet they knew it as well as they knew any other physical fact that could be easily traced to its immediate cause; but on their oaths they did not dare to tell the truth! There, in sight of the inquest, stood the grog-shop and the bridge—the one the primary cause, the other only secondary; the one licensed by law to sell liquor, with a full knowledge by both court and law-makers of the probable consequences of such license and sale; the other a structure erected by the railroad company for the especial purpose of facilitating travel, and not as a footway for pedestrians. Yet the jury, sworn to find the facts from the evidence, censured the corporation that owned the bridge and exonerated the owner of the place through whose agency the man was murdered.

The next May I was called upon to address the people assembled to perform the beautiful ceremony of decorating with flowers the graves of the country's honored dead; a ceremony alike creditable to the hearts of those that conceived it, and beautiful, affectionate, and appropriate in its execution—a ceremony that covers the soldier's last "bivouac" with Nature's most beautiful offerings.

As I stood beneath the trees in the city of the dead, and looked upon the green hillocks around me, I saw friends and relatives placing garlands of flowers on the memorials erected to mark the resting places of those they loved. There was the mother whose only son lay sleeping so quietly that sleep that in this world knows no awakening: there the wife widowed by the cruel chances of the battle-field; there the father whose pride of manhood failed to conceal the sorrow of his heart, or to check the tears that fell like summer rain upon the grave by which he stood; there the soldier's little children, too young to fully appreciate their loss, sobbed in the agony of their young hearts at the memory of a father's caress and kiss. But yonder,

by the side of a simple memorial, knelt, heart-broken, the wife of him who survived the dangers of battle and came home to be killed by the influences thrown around him by the laws of a Christian country. With her hands clasped as if in prayer, she knelt by his grave, and seemed convulsed with the magnitude of her woe. A simple inscription on the marble by her side gave the name, age, and time of her husband's death. It was a simple story, full of sorrow to her, yet it told not the whole truth. There was room on the monumental stone for another inscription, and I thought it ought to have been there, inscribed so plainly as not to escape a single eye: that our lawmakers might see it; that those who wear the ermine of justice might see it; that every Christian and patriot might see it; that every philanthropist might see it, and read from the inscription that the affectionate husband and the brave soldier was

MURDERED BY A GRATEFUL COUNTRY."

CHAPTER XXXVII.

THE YELLOW FLAG AND RED FLAG.

"Come when the blessed seals
That close the pestilence are broke,
And crowded cities wail its stroke."

Halleck

"Death's shafts fly thick: here falls the village swain,
And there his pampered lord! The cup goes round,
And who so artful as to put it by?"

Blair's Grave

A FEW years ago I was passing along a street in one of our large cities, when I came to a barricade erected across a sidewalk. I observed a yellow flag suspended from a house adjoining. I asked a policeman what it meant. He said they had a dangerous and infectious disease in the house, and the flag was to give notice of that fact to the public, and that the barricade was to prevent persons from passing the infected premises. He also stated that it was done by order of the City Council; and in my rural simplicity I thought, how well the city is governed! how careful the city fathers are of the health of their children and of the strangers who sojourn in their midst! I retraced my steps and took another street. While walking along, thinking of the excellent sanitary relations of the city, I noticed ahead of me a red flag suspended over a door that opened on the street. Remembering the yellow flag and its object, and considering the sanguinary hue of the one ahead of me, I naturally concluded that here was another warning, and that an infection most dangerous and deadly was lurking in ambush beneath the folds of the red flag. Approaching nearer, I discovered that I was correct in my suspicions, for I read upon its surface these words, it gilt letters: "FANCY DRINKS AND CHOICE LIQUORS." I also observed, in

addition, the words, "WALK IN," on the flag; and seeing another guardian of the peace near me, I approached and asked him what that flag meant. I informed him that I had just seen a yellow flag, and wondered if this red one was also a warning to the public of the dangerous proximity of disease and death. The city watch-dog looked at me for a moment with the most unbounded astonishment depicted on his intellectual features, and as if he doubted for a moment the fact that a verdancy of so vivid and brilliant a color could exist in the human mind, when he inquired, "Where you from? Can't you read? Don't you see it's a sign of a drinking saloon?" I informed the gentlemanly official that I was a stranger in the city—a man of bucolic tendencies from an extremely rural district, and did not always fully comprehend all I saw and heard. Seeing my benighted condition, he softened in his manner, and informed me of the nature of a drinking saloon. He said it was licensed by the City Council, that there were a number of hundred in the city, and that a large revenue was derived from the sale of the licenses. I inquired who paid the cost of prosecuting the criminals who became intoxicated at these saloons, and while under the influence of the liquor there obtained committed the many crimes the history of which was published in the daily papers. He looked surprised, and I continued:

"Don't you know, my friend, that beneath that flag lurks disease more fatal and death more certain than beneath the flag of yellow? Don't you know that the disease here engendered rifts a man soul and body, brings want and poverty to his wife and children—that it tempts him to commit crime? And more than that, if a man contracts the disease at yonder yellow flag and recovers, he will never contract it again. On the other hand, if the disease is contracted beneath this red flag, and the man recovers, he is even more liable to take it than before; the oftener he has the disease the more likely he is to have it again, until the end comes—abject poverty and certain death. Don't you know all this?" I continued, thinking I was making an impression on the mind of the intellectual and prepossessing public functionary. "Why, then, does the city barricade the street and hang out a yellow flag to warn people of

CHAPTER XXXVI.

MURDERED BY A GRATEFUL COUNTRY.

" The neighing steed, the flashing blade,
The trumpet's stirring blast,
The charge, the dreadful cannonade,
The din and shout, are past:
Nor war's wild notes, nor glory's peal,
Shall fill with fierce delight,
Those hearts that nevermore shall feel
The rapture of the fight."

—*Poems of the War.*

" Free will is but necessity in play,
The clattering of the golden reins that guide
The thunder-footed coursers of the sun.
He only hath free will whose will is fate."

—*Bailey.*

" While yet her cheek was bright with summer bloom,
Her country summoned, and she gave her all."

—*Thomas Buchanan Read.*

"AN INQUISITION taken at the county of C——d A. D. 1866, before me, coroner of said county, upon view of the body of John K., then and there lying dead, do find—That the said John, in attempting to cross a certain railway bridge, *accidentally, casually,* and by *misfortune,* did fall therefrom to the ground, a distance of twenty-five feet, and by means of said fall his neck was broken. And we further find, as a fact, that at the time of said accident John was *under the influence of liquor* and that the A. & G. W. R. R. Co. are censurable for not protecting their bridge in such a manner as to prevent like accidents; and that the attention of the city authorities be called to the bridge aforesaid, and that the railroad company be requested, without delay, to construct a proper railing or fence on said bridge, sufficient to protect persons who may attempt to cross it from falling therefrom:

"And that the said John K. came to his death by *misfortunate* and *accident,* and *not otherwise.*

"A. B., Coroner." [L. S.]

This was the "finding" or verdict of the coroner's inquest in a case a few years ago. I was called on to assist in the investigation. The deceased was a soldier just discharged from a hospital, where he had been confined by a severe wound he had received on the battle-field. He had served faithfully in the army for a period of over three years; had been in the first battle of Bull Run and a number of succeeding engagements; was one of those brave men who volunteered at the commencement of the war, and had re-enlisted in that noble band of veterans who were their country's protection in her hour of danger. He had a furlough of sixty days, to visit his family and recuperate his health. A few days after his return he had walked out in the evening along the streets of our city, and was met and warmly congratulated by his many friends on his recovery. While on the street he met a number of that class of public nuisances who appear to be unable to manifest their emotions or sympathies on any subject except by an invitation either to treat their friends or be treated by them "to the drinks." These vagabonds can be seen in crowds on our street corners every day in the week. They infest our public thoroughfares. They are the vermin of the country that creep upon the body politic; and if the law would "*treat them*" as they deserve, the work-house and prison would be their abiding places, and society relieved of an infection.

The wounded soldier was invited into a drinking-saloon, and there, under the protection of law and the liberty of license was induced to drink. Enfeebled in body, the influence of the licensed curse crept upon him unconsciously, and he staggered from the door of the legalized pest-house, and started on what he supposed was the path that led to his home—to that home where sat the expectant wife, happy in the soldier's return, happy that her gentle care and attention had almost restored to health her husband who had been brought to the very brink of the grave fighting in defense of his country. Unfortunately, his recollection, confused by drink, led him astray. He turned to the left instead of to the right, and in the morning was found dead, as we have narrated.

The inquest censured the railroad company for leaving their bridge unprotected Not a word was said about the licensed

while they "thank God that *they* are not as other men;" persons who, after an hour's exquisite pleasure afforded them by witnessing the sorrows of their fellow-men, return to their homes, and in their evening devotions, like "Holy Willie," call the attention of the Deity to the fact, that

> " When thousands he has left in night,
> That they are here afore his sight :
> For gifts and grace,
> A burnin' and a shinin' light
> To a' the place."

The Judge was referring to the act of assembly that fixed the punishment for the crime of which the prisoners were convicted. For a few moments all was silent in the room as in the house of death. Not a sound broke the stillness which in a court-room always precedes the final act of the law that has now nought to do but to pronounce the punishment that its inexorable rules prescribe for crime. The prisoners were all young men, under the age of thirty-five years, and as I looked at them I thought, why is it that they are outcasts in chains among their fellows? They had the average look of intelligence and honesty of their class. I saw upon their foreheads no brand by which the finger of their Creator had marked them as felons. Why, then, this deep, dark gulf that separated them from the silent spectators that surrounded them? They all had loving friends, and probably some of them had had praying mothers, who years ago by the cradle's side in humble petitions asked God to protect their sons from the temptations most likely to beset their pathway in life, leading them to sin and crime.

A few moments passed in breathless silence and dread expectancy on the part of the criminals ere their doom was sealed. And, oh! the unutterable anguish that was expressed on each face as they watched the Judge turning slowly the leaves of the book of fate. What terrible feelings of remorse must have passed through their minds, knowing as they did that for them there was no hope, no mercy; but that the law they had offended demanded their punishment, and that its mandates must be obeyed! In the future human sympathy

would plead for them in vain: in vain would pity with tear-dimmed eyes ask for mercy in their behalf. They had sinned, and "the wages of sin is death."

"PRISONERS AT THE BAR, STAND UP!" said the Judge in cold, authoritative tones. "You have been convicted of arson, burglary, and aggravated riot. Under the mistaken idea that the laboring men in this country can take the law in their own hands and redress their supposed wrongs by brutal acts of violence, you met together at the hotel of ——, in this county, and, after indulging freely in intoxicating liquor, you proceeded to commit criminal acts of violence and incendiarism. You set fire to the house of your employer, and, when the proprietor of the hotel very properly refused to give you any more liquor—as you were already intoxicated—and closed his doors against you, you broke into his house, stole his liquor, which you distributed to the mob your unlawful conduct had collected; and when they, like yourselves, were drunk and frenzied with intoxicating liquor, you applied the torch of the incendiary to the buildings and workshops where you had been employed. By that act you destroyed a large amount of property, threw out of employment scores of men who were willing to work, and who depended upon their daily labor for the support of themselves and their families. You are bad men, and we must make an example of you for the benefit of society, that others who may be inclined to get drunk, and then commit outrages on the peaceable and law-abiding citizens of this commonwealth, may take warning by your fate. It is well for men like you to learn that the arm of the law is stronger than the arm of force; and that if men will drink liquor to excess, and then while under its influence commit acts of violence and crime, the law is swift to punish the offenders. Your plea that you were drunk is no excuse in law: it does not even palliate, but rather aggravates, your crimes; for no good law-abiding citizen will get drunk, knowing, as every one must know, that men are much more likely to commit crime when they are under the influence of liquor than when they are sober, for,

"Wine is a mocker, strong drink is raging:"

I mean will drink—will get drunk—and then commit

crime, it should increase their punishment, not diminish it. And, while the law licenses reputable men to sell liquor, it does not thereby license disreputable men to get drunk. As you have sowed so must you gather; and, in the future, after the term of your imprisonment has expired, we advise you to abstain from the use of intoxicating liquor, avoid those places where it is sold, and remember that it has been the cause of your crime and shame.

"The sentence of the court is, that you, and each of you, pay a fine to the commonwealth of one hundred dollars, the costs of prosecution, and undergo imprisonment at hard labor and by separate and solitary confinement in the Western Penitentiary for a period of twenty years, to be computed from this date.

"Sheriff, take the prisoners in custody!"

The prisoners were taken out of the court-room to the jail, and, as they retired, their chains and fetters clanking in the distance, the man of "good moral character," whose liquor had been stolen, and who, in the exercise of his glorious prerogative, had sold the criminals the liquor that made them drunk, this "*law-abiding*" and worthy citizen stood smiling among the spectators, and was congratulated by the other "law-abiding" citizens present for his indefatigable efforts in bringing the offenders to justice. Yes, the man who sold the liquor that made the prisoners drunk, and then prosecuted them to conviction for the crime that his whiskey had inspired them to commit, was congratulated by his friends because he had sent to prison men he had made drunk, and who never would have committed the crime but for him and the license that court had granted him.

As I looked at the smiling publican, who was so pleased at the manner in which justice had vindicated the offended laws, I never more fully appreciated the significance of the symbolical bandage over the eyes of the fabled goddess than I did then. There, on her marble pedestal over the jury-box, she stood as calm and benignant as if a most monstrous outrage on the very name of justice had not been perpetrated in her name, and in a temple dedicated to her sovereignty and power. Yes, there she stood, her scales at equipoise, yet heed-

less of their symbolical demand; her naked sword in her hand, yet she did not smite the original and first cause of the crime, although he stood unblushing in her very presence—the man who knew that, in the then unsettled state of mind of the laborers, who became criminals through his influence, it needed only the inspiration his liquor would beget to make them incendiaries and murderers. This worthy man and accessory to the crime was now smilingly receiving the approbation—unmixed with censure—of the "law-abiding citizens of the commonwealth," because he had ruthlessly pursued the criminals, and in the name of justice had sent his neighbors to prison, who were not more guilty than he. And when I looked upon the statue on the wall, and remembered what had just been done in her name, I felt that even her symbolical presence in that room, in such a scene as I had just heard and witnessed, was

> "—— a lie,—an odious lie,
> Upon my soul, a lie; a wicked lie;"

—that it were far more fitting that the goddess, fabled in name and attributes, should be removed from her pedestal, and in her stead there be placed an image of the vilest drab that ever nightly walked the streets—

> "Selling her soul to whoever would buy."

Had there been no licensed hotel in the town of ——— on the night of the riot, no crime would have been perpetrated, no property destroyed. But because the licensed vender had a right to sell, men had a right to buy; a right to sell presupposes a right to drink. The prisoners did drink—a lawful act. The result was not innate in them so much as it was in the liquor, yet the cruel, unfeeling words of the Court were but the voice of the law that tempts men to crime and then punishes them for yielding to the temptation.

The Court said that the safety of society demanded the punishment of the criminals; and if his honor had only continued, "the safety of society also requires that the public bar, at which men are made criminals every day, should be abolished," he would but have stated a self-evident truth no thinking mind can deny.

The criminals were sent to prison, and the man with a "good moral character" continued for many years his time-honored and lawful occupation; for many years criminals went from court to prison on account of the influence he exerted; until at last even he did an act that entitled his memory to the thanks of all good men—an act worthy of imitation by all like him—HE DIED, and his evil influence perished with him.

A FRIEND'S SUGGESTION.

I thought I had finished this chapter, but after reading it to a friend for his criticism, he remarked, "It is all true but the last sentence. *His 'evil influence did not die with him.'* Where are the hundreds of men who acquired the fatal appetite at his bar? Where are the families of the drunkards he has made? Where the sons that a father's example has ruined? Where the daughters a father's shame has exposed to temptation, and made them easy victims to prostitution and sin? Where are the scattered fragments of human wrecks that his influence has strewn all along the streams of life? Where the seeds of corruption he has sown with a prolific hand over the fields of society's broad domain?"

A poor woman who had, in an inadvertent moment originated a slanderous story about a neighbor, was struck with remorse at the consequences of her thoughtless act when she found it was being repeated by willing tongues. Visiting the confessional she told the good father what she had done, and asked for absolution from her sin. Her confessor listened to her story, then, after gently chiding her for the wrong she had perpetrated, told her she could not be absolved without penance. He gave her a handful of thistle seeds, bade her go and sow them all along the pathways and thoroughfares of the neighborhood, and then return to him. The penitent woman took the seeds, and did as he had directed, congratulating herself that the sin of slander could be so easily expiated. When her task was completed she returned to receive the promised absolution. The reverend father told her that her task was not yet ended; and said to her, "Daughter, you must now go and gather again the seeds you have sown, and bring them

to me. Do not leave one, for if you do, it will germinate, grow, and scatter its seeds, which will be blown by the winds all over the country, to the great injury of the husbandman." The poor woman stood aghast at the task required of her. "It is impossible, good father," she said, "I do not know were the seeds have fallen." "My daughter," said the priest, "you have sown the seeds of evil report against your neighbor, and it is now as impossible to stay the wrong you have done as to gather the seeds I gave you. I know the task is impossible, and I but sought to show you the great evil you do by sowing wrong to your neighbor. You may indeed scatter the seeds, but the hand of God alone can gather them again ere the evil of their germination is completed."

Thus is it with the man who, authorized by license, scatters broadcast the seeds of human sorrow and crime. Long after his grave has become green with the herbage of succeeding years, long after it has, by the untiring feet of time, been trodden level with the plain, and even his memory has passed into utter oblivion—long! long after this, the evil he has done will live and flourish. Every plant of sin and disease he planted along the pathways of human life has generated other seeds and scattered them as the thistle's down is scattered by the wind. And, as the good priest said, "nought but the hand of God can gather them again." It is a foolish husbandman, indeed, that waits until the noxious weeds have scattered their autumn seeds before he exterminates them from his soil. But spring, when their shoots of active vegetation appear among the plants of healthful verdure, is the time when they must be crushed and destroyed. So the accursed traffic in rum, and the licensed system that plants, nourishes, and protects this wicked traffic—must be crushed by the iron heel of the law so effectually that it will germinate no more. After the seeds are sown it is vain to attempt to regulate their growth by legal enactments. It is as useless as to say to the summer wind and autumn storm, "You shall not scatter seeds that have ripened by the toleration and carelessness of the husbandman." For evil influences will spread from their source regardless of all law, either human or divine. Our only safety, then, is to destroy the source, crush the parent plant, and do this by legal

enactment. "THUS SAITH THE LAW" is a sentence all men must respect. For it is a command from a power that all men fear, and can be compelled to obey.

> "Law does not put the least restraint
> Upon our freedom, but maintain 't;
> Or if it does, 'tis for our good,
> To give us freer latitude;
> For wholesome laws preserve us free,
> By stinting our liberty."
>
> —*Butler's Hudibras.*

CHAPTER XXXIX.

WHO WAS THE MURDERER?

"See her face is black and full of blood,
Her eyeballs further out than when she lived;
Staring full-ghastly, like a strangled man;
Her hair upreared, her nostrils stretched with struggling,
Her hands abroad display'd, as one that grasp'd
And tugg'd for life, and was by strength subdu'd.
Look on the sheets; her hair you see is sticking:
It cannot be, but she was murder'd here.
The least of all these signs are probable."

—*Shakespeare, Henry VI.*

"The hand that should shield the wife from ill,
In drunken wrath is raised to kill."

—*The Grog-seller's Dream.*

"MAN in jail wants ter see you!" shouted a young street gamin one morning as he burst open my office door with the energy of a young tornado. "Man in jail wants ter see you!" he repeated; "he gin me ten cents to come and tell you to come up right off." "What is he in for?" I inquired. "For *slaughter*, I guess," said the boy. "Manslaughter?" said I, surprisingly. "No, I guess not," said the young lexicographer, "can't be that, 'cause he killed a woman.—Wants ter see you, anyway, right off; so you'd better travel;" and he vanished from my sight "like the belated fragment of a storm."

I went to the jail, and, pacing back and forth in his cell, was the prisoner, who, the sheriff informed me, was accused of murdering his young wife. He was excited almost to the verge of frenzy, wringing his hands and groaning in mental agony. He walked his prison floor like a maniac. It was some time before he became sufficiently calm to tell me his story. Yes, he was accused of murdering his young wife, to whom he had been married about two years. Several times he commenced to tell

ne his case, but was interrupted by paroxysms of uncontrollable grief: "I murder Bertha!" he would exclaim; it *cannot* be so! She was an angel, and I loved her better than my own life! I murder the mother of our dear little babe? It is a monstrous lie; I never did, never could have done it!"

And yet the woman was found dead in her bed by the side of her drunken husband, who was sleeping off the effects of his last debauch. Some people who lived in an adjoining house were awakened in the early morning by the violent screaming and crying of the little child; and, on going into the room where the prisoner and his wife slept, they found that the woman had been dead some time, and her little babe was trying in vain to nurse from the ice-cold breast of its dead mother. The husband and father lay by the side of the murdered wife in a drunken sleep, from which he was aroused with difficulty.

When fully awakened, and understanding the terrible tragedy in which he was most probably the principal actor, he could give no account of himself for the last number of hours, although sobered by the fearful circumstances which surrounded him. The last he remembered was, that he with some companions was drinking in a neighboring licensed hotel "*sample room.*" Of late he had been in the habit of spending his evenings in that room, drinking with a few dissipated habitués, who nightly assembled to drink and carouse in the place which the court had licensed to accommodate the "traveling public"; and where, under the protection of that license, the proprietor was selling to his neighbors without stint or hindrance. The evening before the prisoner had drunk more than usual, and was at a late hour in the night taken home by one of his less intoxicated companions, who said that he assisted his weeping wife in putting him in bed, and then left them. This was about twelve o'clock at night, as he stated before the coroner's inquest.

On the throat of the murdered woman were the unmistakable marks of a man's hand, as if the fingers had clutched around her throat to strangle her. The pillow had also been drawn from under her head and apparently placed over her face and pressed upon it, for there was a spot made by mingled blood and salive from her lips on the white pillow-case.

A *post-mortem* examination was made by a physician and a surgeon, who testified before the coroner's inquest. They both stated that on the throat of the woman were the marks of *three fingers* and a thumb of a *right hand;* that the nails of the fingers and thumb had cut the skin in such a manner that the marks were plainly seen. ***There was no mark of the nail of the middle finger.*** The scalpel and the microscope also revealed another fact of so delicate a nature that its narration is here omitted. In the bed was found a small red gold shirt-stud with an ***opal setting.*** These facts were clearly proven at the inquest.

The public were greatly excited. The prisoner was well and favorably known. He was a "driller," and till within the last few months had been a sober and industrious man. But of late it was noticed that he visited the hotel "sample room" every evening, and was fast becoming a confirmed drunkard. His wife, a beautiful young woman, with tears and pleadings remonstrated in vain. The law had established a temptation in his pathway that he could not resist. Yes, for the benefit and convenience of the mythical "traveling public," who seldom came that way, a licensed "*sample room*" was set up in the town, and by its influence men were becoming drunkards, who a short time before were sober and industrious artisans and mechanics.

Public opinion was very much against the prisoner, nearly every one believed him guilty, and all who so believed attributed the crime to his intoxication. Before he became an inebriate he was known to be kind-hearted and amiable; when drunk he was said to be a quarrelsome and brutal man. Yet he was never known to abuse his wife; even in his most turbulent moods she could always control him, and with her gentle hand lead him where she wished.

I had frequent interviews with the prisoner, and he always in the most vehement manner protested that he was innocent. He said he remembered nothing that occurred distinctly that night after he left the "sample room," and believed that when he went to sleep he did not awaken until morning, when he was with difficulty aroused by the man who was led to his room by the cries of the little child. This man stated taht he

ound the door of the room unlocked when he entered it, and that the key was in the lock on the inside of the door; the outside hall door was also found unlocked.

Two months after the murder the case came on for trial. The prisoner was arraigned, and, when asked the usual question by the district attorney, "What say you, guilty or not guilty?" answered in clear and distinct tones, "I am not guilty, so help me God." The trial proceeded. The prisoner met with but little sympathy from the people assembled to hear the case. Almost every one believed him guilty, and clamored for his conviction. But I believed him innocent, notwithstanding the apparently overwhelming evidence against him. I did not believe he was sober enough *to do what it was proved had been done that night.* And the shirt-stud found in the bed—how came *it* there? I was convinced it was not the prisoner's, and that he never saw it before it was produced in evidence on the trial.

After the evidence had concluded, I presented the following legal points to the Court:

"The Court is asked to charge the jury as follows, to wit:

"1st. That to justify the jury in finding a verdict of guilty of murder in the first degree, the evidence must satisfy them that the killing was *deliberately* and *premeditately* done.

"2d. That if the jury believe that the prisoner was so intoxicated at the time as not to be able to form a *deliberate* and *premeditated* design to kill, it would reduce the grade of the offense, and the killing would be murder in the second degree.

"3d. To justify a conviction on circumstantial evidence, the inculpatory facts must be absolutely incompatible with the innocence of the accused, and incapable of explanation upon any other reasonable hypothesis than that of his guilt."

I proceeded to address the jury, and did all that I could do to explain away the terrible array of facts that accumulated around the prisoner. But all was in vain. I saw the hard, stern expression of conviction settled upon the faces of the jurors. There was no sympathy in the jury-box for the man who had been made a drunkard by the legalized agents of the law.

It was but a few months since I had opposed the grantin

of the license to the hotel where the prisoner obtained liquor on the night of the murder; but the evidence of good men had satisfied the Court that it was necessary for the accommodation of "strangers and travelers," and it was granted. The price of the nefarious contract with the commonwealth had been paid into the county treasury. The public weal and welfare had given place to the demand of the "traveling public" for whiskey. The seed had been sown, and now the country was gathering into the storehouse of her prisons the harvest of ruined men and criminals: for crime born of drunkenness is the certain offspring of license. Verily, in this world the seed-time is not more certain than the time of the ripening ear, "And the people who sow in sin shall reap in iniquity."

The Court charged the jury on the law as I requested, affirming my points; and after a few hours' absence they returned with a verdict of "Guilty of manslaughter." At the end of the term the prisoner was brought into court for sentence. He was asked the usual question, "Have you anything to say why the sentence shall not be passed upon you?" He replied, "I have nothing to say, only that I am not guilty of the killing of my wife. I loved her dearly, I would have died for her, and God above knows I tell the truth when I say I am not guilty of her murder! But I am guilty of disregarding a pious father's admonitions, of forgetting the prayers my mother taught me, and setting at nought the tears and appeals of my murdered wife. I am guilty of visiting a place licensed by this court to ruin men, and I must suffer the penalty. I ask nothing for myself, but in mercy to my old friends and companions, I beg your honor to revoke the license you have granted, that they may escape a fate like mine."

A few days after, I was passing the jail just as the sheriff was bringing the prisoners out to take them to the Western Penitentiary. A covered wagon stood by the prison door, and soon I saw my client come out of the jail and step into the wagon. When he saw me he raised his manacled hands above his head, and in tones of agony I shall never forget, he said, "Mr. R., I am not guilty- not guilty of murdering my wife! I am an innocent man, whose only crime is that I could not control my appetite. I ruined myself by strong drink!"

He died in prison long before the expiration of his sentence.

Two years after the event just narrated, I was employed to go to an adjoining county to prosecute a man for a brutal assault, battery, and robbery. The criminal was a notorious reprobate of a class that had for a number of years infested the "oil country," and was known by the *soubriquet* of "three-fingered Jack."

When the case came on for trial and the criminal was brought into court, I thought I never saw a more hardened or desperate looking villain in the "criminal dock." During the trial he raised his right hand to his face, and I saw that the *middle finger had been amputated at the second joint.* Observing him more closely I saw on his shirt-bosom two *red gold* studs with *opal settings*—the exact mates to the one found in the bed by the murdered woman. I whispered to a member of the bar for a moment, when he took a seat by the prisoner's side, and seemed to be admiring the shirt-studs. Shortly after I heard him say, "Jack, those are beautiful opal stones on your shirt-bosom; have you the set?" Jack looked at him a moment, and distinctly replied, "I had once, but I lost one of them *two years ago.*" It is needless to say that I labored earnestly to procure his conviction, and succeeded. When the jury returned with a verdict of "Guilty!" the desperado arose to his feet, and with the utmost *nonchalance*, he said, "Well, gentlemen, you have convicted an innocent man, sure as h—l!"

He was sent to the penitentiary for seven years, but died in prison about two years after his sentence. After his death facts came to my knowledge that satisfied me that he was really innocent of the robbery of which he was convicted.

I also ascertained the fact that he was in the town where the murder was perpetrated on the night of its commission; was seen in the "sample room" a short time before the husband was taken home; and I believe that he outraged and murdered the wife by the side of her drunken husband.

"——Heaven and earth do cry, impossible!
The shuddering angels round the eternal throne,
Veiling themselves in glory, shriek, impossible!
But hell doth know it true."

—*Maturin's Bertram.*





WIFE.--SLAVE OF THE NEEDLE.

CHAPTER XL.

TO THE WOMEN OF THE COUNTRY

"Not she with tr[illegible]ss kiss her Saviour stung,
Not she denied [illegible] unholy tongue;
She, while Apo[illegible]stles could danger brave,
Last at his cro[illegible], and [illegible]st at his grave."

—*E. B. Barrett.*

"Men are more eloquent than women made,
But women are more powerful to persuade."

—*Raleigh.*

"When bad men combine, the good must associate, else they will fall one by one an unpitied sacrifice.

—*Burke.*

To the women of the country I have something to say: You are more interested in the cause of temperance than the men. On you falls with tenfold force the curse of intemperance. Of your number are the thousands and tens of thousands of heart-broken wives in our land who have lived to see their husbands sacrifice love, home, happiness, reputation, and all of life's endearments, to the fatal passion for strong drink. Of your number are the multitude of sorrowing mothers who have mourned over the memory of sons that have gone to drunkards' graves. Of your number are the thousands of poor wives and mothers in our land who, with enfeebled health and weak hands, are made to do the labor of the slave to support their families, while the husbands and fathers, drunken and debauched, are spending all they can earn in the licensed rum-shop. On your frail bodies fall the brutal blows of the husband made demoniacal by rum.

You who have suffered so much seem to be designated by Providence as great instruments in his hand to purge the land of an evil more destructive to mankind than war, pestilence, and famine. Your very feebleness of body and dependence on

man make you more effective in this great battle, where your prayers are more potent than the sword, and your tears more eloquent than words. Remember that "victory is not always to the strong, nor the race to the swift."

When Israel's beardless youth went forth to meet Philistia's champion, he conquered, not by the strength of his own arm, but because his cause was just, and Israel's God had so decreed it. Then it was that the five pebbles gathered from the brook in the Valley of Elah were more effective in the hands of the little shepherd boy than were the mailed coat and ponderous spear of the giant warrior.

I think the hand of Providence is to be seen in this late temperance movement, for this reason: The secret workings of the liquor dealers are now strongly felt in the political arena. The poison of that influence had been insidiously working its way through the veins and arteries of our political system until the whole body had become corrupted; the Christian churches had become apathetic, society indifferent, and sin and crime almost triumphant; when, a few months ago, the power that stilled the waves on Galilee prompted the act. The finger of the Deity touched the heart of feeble woman, and inspired her to meet the jeers and insults of the rabble in the streets, to face the storms of a most inclement season, and with song and prayer to seek to reach the hearts of those who were scattering ruin over the land as the autumn leaves are scattered by the storm.

We may, my reader, differ in our opinions in regard to the manner in which prayer affects, through a kind Providence, the conditions of men. While I may not believe that the Deity is like the god of the prophets of Baal, who may sleep, or perchance go on a journey to a far country, and be indifferent to the wants and welfare of men; while I may not believe that He who made all things is apathetic, and careless of the wants of His children, until aroused to action by the prayers of the righteous; yet I do believe that from His throne on high He touches with His divine finger the human heart, and prayer pours forth spontaneously, as did the water from the rock in Horeb when touched by the wand of Moses; and while prayer may not affect the Deity to make Him change His immutable

designs, yet it is certain that it does affect the human heart, and prompts to pious thoughts and Christian action.

The power of the Creator does not manifest itself alone in the tempest and earthquake, but is as potent and powerful when it moves the leaves of a thousand forests with the breath of a summer zephyr, as when it rent the veil of the temple in twain or bade the dead to walk.

In this temperance movement, which is sweeping over the land like an inundation, and like an overwhelming flood carrying all before it, I think the power of the Deity is as manifest as when it went before the children of Israel in a cloud by day and a pillar of fire by night.

This movement will have this effect: if it does not entirely wipe out the sin of intemperance, if it does not close the doors of all the dens of drunkenness in our land, if it shall not destroy all those avenues from virtue to crime, it will, at least, act as a brake on the wheels of the great Juggernaut that is annually crushing thousands of the ablest and best in our land in its ruthless course.

This movement will also demonstrate the moral power of woman, and her fitness to take part in the councils of the nation. I tell you, my readers, if women could only vote, the licensed grog-shop and beer-saloon would vanish from our midst like the dew of the morning, and not only in this, but in all other great moral movements, their influence would be felt like the healing balm to the wounded body.

In all political contests where the morals and Christian welfare of society are involved, the defeated candidate could go home and write upon his political escutcheon the words that appeared upon the wall at Belshazzar's feast: "MENE! MENE! TEKEL! UPHARSIN!" for woman, like the ancient Goddess of Justice, would hold the scales, and "Thou art weighed in the balance and found wanting," would be the edict passed upon all not morally worthy.

I believe that to you, Christian women of the country, do we owe in a great measure the late temperance movement. Your converts to-day are numbered by thousands. During your crusade, the "rum-shops" and "dens of thieves" were literally turned into houses of prayer. The parallel of that memor-

able event the world never saw before. There must be, somewhere in this vast universe, an answering spirit that heard your petitions. There is no other way of accounting for it. In the holy cause of temperance, an army of feeble women, panoplied only with virtue and religious zeal, armed only with song and prayer, attack the hosts of sin in their stronghold and vanquish them. And remember, too, that the law of a Christian people was on the side of sin. By law you were all trespassers, and could have been forcibly ejected from the premises you sanctified by your presence. The law gave you no right to thus invade the "castle" of the rum-seller, protected as he was by license and the ancient rights of property and possession. You were all conspirators, by virtue of the enactments of our immaculate criminal code. You conspired to interfere with the business of men engaged in a time-honored and lawful occupation; yet, inspired by God, you dared to do a Christian act regardless of the law of the land. None but women could have done this, and naught but answered prayers could have thus protected you.

The history of the world has shown that ever since the hour when Eden was first made vocal with song, woman has exercised an influence over man, which, either for his weal or his woe, has always been irresistible. Her smiles have conquered the Mark Antonys of all ages, while the iron mail of the Cæsars has been penetrated by the arrows of her love. The thrones of kings of a hundred successions have tottered beneath her influence, while the fleets and armies of the world have been convened and set in battle array through the passions kindled by her glance.

The eloquent Robert G. Ingersoll in a recent lecture said: "I tell you, women are more faithful than men; ten times more faithful than men. I never saw a man pursue his wife to the very ditch and dust of degradation and take her in his arms. I never saw a man stand at the shore where she had been morally wrecked, waiting for the waves to bring back even her corpse to his arms: but I have seen woman with her white arms lift man from the mire of degradation and hold him to her bosom as though he were an angel."

I too have seen all this; I have seen the wife forgive and

forget conduct of her husband, of which had she been guilty, he would have spurned her from his door as a wretch unworthy of forgiveness and beyond all hope of reformation. I have seen the wife stand by the side of the criminal husband in a court of justice when all others had forsaken him, and when the testimony against him proved acts that would have brought the blush of shame to the cheeks of the furies that stand by the gates of perdition; and I have seen tears of mingled love, sympathy, and sorrow wash her faded cheek. And, criminal though he was, stained with the most revolting crimes, I have seen her cling to him in his degradation, and, with looks more eloquent than words, say to him, "Though all men may despise and condemn you, I forgive and love you still."

Since the memorable "crusade" the liquor-dealers and manufacturers have combined their forces all over the land to sustain themselves against all opposers. They have organized a society for that purpose, have raised a large amount of money to defend their interests, and have resolved to support no man for an office who does not acknowledge their right to make and sell the great source of crime, wretchedness, disease, and woe. In future political contests all other considerations are to be made subservient to this. All candidates are to be tabooed who do not acknowledge the inalienable right of the liquor-seller to bring want and ruin in the house of his neighbor, poverty and shame to the fireside of his friend.

They claim the right to debase manhood for gain, debauch society for profit, promote and increase crime, sow the seeds of debauchery and sin broadcast among their fellow-men, that they may be enriched by the price of the wife's sorrow, the children's tears, and the mother's woe. They claim the right to fill our streets with idleness and drunken riot, our prisons with criminals, and our poor-houses with paupers, and the candidate who dares to deny or even doubt this right, is to be declared by the popular vote unfit to hold a position of public trust or confidence.

This is the position of the two contending armies— this the gage of battle thrown down to us. Let us accept it. Let us meet them even on the skirmish line of the battle-field and fight it out on that line if it takes the life-time of this generation.

The most powerful weapon to be used in the coming conflict is the ballot, and to make that weapon an effective one, it must be placed in the hands of the women of the country. There is no alternative; there it must be placed and there it will surely be as that the sun will shine on the morning of future elections. The objection to women voting arises from a species of sickly sentimentality that has no foundation in justice or common sense. How many husbands consult their wives in matters of grave importance in their business transactions, and how often is that advice followed with successful results. The pulpit, the rostrum, the learned professions are now open to women; why, then, should the ballot-box be closed to them? Does it require more judgment and intellect to determine between the claims of two political candidates than women have displayed in investigating the laws of nature and in solving other mysterious problems? Could not Miss Herschel as successfully have investigated the principles involved in a county election as in the laws that govern the planetary system? Could she not as easily have detected a spot on the moral constitution of a candidate as on the sun, or the existence of a new planet or satellite? Was not Mrs. Somerville as competent to form a correct opinion and decide between two opposing political hypotheses as to investigate the laws of physics and philosophy? Could not Mrs. Stowe have voted as intelligently on the slavery question as the average member of the legislature or senate who obtained his seat by falsehood, swindling, and bribery, or his friend, the grog-shop politician, whose vote and opinion were purchased for a glass of rum? Could Mrs. Hemans, Mrs. Browning, or Eliza Cook, whose writings are a part of the standard literature of the day, exercise a proper discrimination between the claims for office of a blatant demagogue and a pure-minded statesman? Are the mysteries of the political arena so deep and profound as to be understood only by the drunken habitue of a grog-shop, and to be beyond the comprehension of those pure-minded Christian women whose presence and prayers like sunbeams from Heaven illumined the dark dens of vice during the crusades? Have women sat upon the thrones of the great kingdoms of the earth, and administered

ust laws to a prosperous people, while they, as a race, are incompetent to vote for a county judge or a legislator?

A lady who had been one of an audience to whom I had just ctured on this subject, said to me: "Mr. R., you go too far. don't want to vote. I would not if I could. I don't think it ould be *very nice* for ladies to go to the polls among a crowd f men and vote!" Oh, dear! what a reason for not giving the oral weight of woman's influence at an election. "It *wouldn't* e *very nice*," etc. If all women were alike and that good lady ne standard, I would unsay all I have said on this subject. I uppose women don't go to church among a crowd of men, or to he theatre or opera, or to large parties, and there, dressed as antily as the season will permit, circle through the voluptuous volutions of the waltz or round dance in the embrace of some ther woman's husband or brother! But it is not *nice* to go to n election among a crowd of men, and drop into a box a piece f paper on which is written, "the country needs moral, honst, and temperate men to make laws, and we will have none ther." It is "*not nice*" to stand boldly up for the right, and or the sake of fathers, husbands, and sons, demand of our ulers that vice and temptations to sin shall not be established y law, or licensed by legal enactments.

Said I to the good lady, "Madam, you have a son, a young an, I believe?" "Yes," she answered, "and he is a strong emperance man." "You love him, undoubtedly, as a mother hould?" I asked. "Now, suppose that your son, every day s he went to and fro from his home to his place of business, ad to pass by a drinking saloon; suppose he should be tempted to go in and drink—at first only occasionally, but as the apetite increased, more and more frequently, until at last he hould be brought home to you intoxicated; and you knew that he temptation the law licensed and established by the side of is daily pathway, had led him astray—that he was being ruined, and that even your prayers would not save him from a runkard's life and a drunkard's death, would you hesitate one oment, if it were in your power, to go to the polls and vote to bolish the saloon, to blot out of existence the temptation that as leading your boy to ruin?" "No!" said she, "I would o, if God gave me strength to walk, or even creep on my

hands and knees, and I would do all I could to vote out of existence the vile spot and the laws that established it." "But," said I, "what about the crowd of men around the polls?" "I would not care for them," she said, her eye kindling with the maternal instinct that prompts the most timid animal to fight for its young, "I would go if every man in the crowd were a devil—and I would save my boy or die!" There spoke the true, noble-hearted woman and mother. Like the lioness at bay, she was ready to fight singly the whole host of rum to save her darling child.

And all that is wanted in this country, to exterminate the whole race of liquor-dealers, saloons, and rum-shops, is to put the ballot into the hands of the women as well as the men; let them see that it is in their power to protect fathers, brothers, and sons from the temptations established by the license system, and that their votes are all that is required, and the places that now know the grog-shops would soon "know them no more forever"—they would be forever blotted out by women's votes. All mock delicacy would be laid aside as it was during the crusade. With one thought, one purpose, and one resolve, they would go to the polls, determined to save those they loved from temptation and sin, and a God of justice would bless their efforts, as he answered their prayers uttered in the very centers of pollution and vice. "The gods help those who help themselves," is the moral of an ancient fable, and it is but another form of expressing the sentiment of inspiration that "faith without works is dead."

To my mind there is no one argument that can be or is urged against woman suffrage, that may not be used with equal force against nearly all the social privileges they now enjoy.

"Taxation without representation is tyranny," was the sentiment that fired the hearts of the early patriots, and nerved their arms in the battles of the Revolution, and yet while we tax the host of women property holders in our country, we deny to them the right of representation in the national councils that impose these taxes.

Do not women discuss both in private and public the great questions before the people? Is not the moral character of men

a high position, and the theories they advocate, the subject of many an able theme from woman's lips or woman's pen? Does any one dare to deny their right to freely discuss every question, in science, religion, or politics, that comes before the people? If there is such an one, in the feeling and significant words of "Bumble, the Beadle," "he cannot be a married man;" and he certainly denies a right that is acknowledged by the civilized world. It is too late, in the light of the nineteenth century, to attempt to deny the intellectual power of women and their moral influence on the destinies of the people; too many noble sentiments that shall live until literature shall die have been uttered by them both on the rostrum and in the pulpit; and to concede to them these powers, this influence, these rights, and then deny their right to be heard and felt through the ballot-box, is to deny a self-evident truth and the plainest principles of social and political ethics.

Put the ballot in the hand of woman and it will do more to destroy the "social evil" than a century of mission efforts, or all the power of moral suasion. Let it be understood that a fallen woman may reform as well as a fallen man. Close not the doors that lead either to the anxious seats in our churches, or to restoration in the social circle, to the women, while we open every avenue of reform to man. Mete out to frail and feeble women the measure of justice that is meted out to sinning men; give them the power to assert and demand their rights at the ballot-box as it is given to men, and as certain as God punishes sin and rewards a just act, the world will be better and mankind happier therefor.

Why is it that the "welcome embrace, the ring, the shoes, and the fatted calf" are for the prodigal son alone in this world? Why not receive the prodigal daughter with the same spirit of forgiveness, and take from her the garment of scarlet, and put upon her penitent form the "best robe?" Why should the world be less forgiving to woman than to man? Why deny her the right to exert an influence for good that is given to him? Would the ballot be less effective when deposited by the hand of woman than when dropped in the box by the fingers of the debauchee? Why, then, all this discrimination, always in favor of man and against woman, except for

the reason that we have not yet completely thrown off the shackles of the past, and that there yet remains a remnant of that barbarism that once looked upon her as a slave, whose sphere was only to minister to the selfish pleasure and unholy passions of men.

The Saviour taught no such distinctions. When the offending woman was brought before Him by the Scribes and Pharisees, how plain was the divine justice of His rebuke to them, "He that is without sin among you, let him first cast a stone at her," and when her cowardly accusers "convicted by their own consciences, went out one by one, beginning with the eldest, even unto the last," the being whose mission on earth was Himself to suffer, even for that woman's sins, said to her: "I do not condemn thee, go and sin no more." What a lesson is here taught to the Scribes and Pharisees of to-day, of both sexes. What a rebuke to the self-righteous, and to that large and worthy class of citizens in every community,

"—— Wha are sae guid themsels,
Sae pious and sae holy,
Who've nought to do but mark and tell
Their neebor's faults and folly!"

A God who had to undergo the ignominy of the cross forgave even the sin for which He suffered to expiate—forgave the offending woman and rebuked the unfeeling accusers. And yet in this world

"From woman every woe a tear may claim,
Except that of an erring sister's shame."

And, as I have read this story, I have often wondered when the virtuous and indignant mob arrested the woman, what they did with her *particeps criminis*—where was the man and what was done with him? Undoubtedly the cowardly poltroon was in the midst of the mob repairing his damaged reputation by his zeal in demanding the punishment of the woman and his remarkable industry in gathering stones to be thrown at her. But most probably he was a voter and a political partisan for some ringleader of the mob, therefore the offense that in him was venial, when committed by the woman, deserved death.

How much the justice of eighteen hundred years ago was like the justice of to-day. But give woman the ballot; let her assert her right to help to make the laws that punish her transgressions, and as the opinions of society in all ages have been but a reflex of the spirit of the laws that govern the nation, so will she receive justice where it is now refused her, and exert an influence over the morals of the people that will protect those she loves from the temptations that now beset them on every hand.

Maudlin sentimentality will give way to a desire for the welfare of husbands, sons, and fathers, and the drinking-saloon and license law will never survive one election after the time shall come that woman holds the ballot. For vote she will, regardless of the "crowd of men at the polls," whenever that issue is before the people, and always on the side of temperance and morality against temptation and crime.

CHAPTER XLI.

THE GROG-SELLER A GREAT PUBLIC BENEFACTOR.

"Oh! the selling of grog is a good device,
To make a Hell of Paradise.
Where'er shall roll that fiery flood,
'Tis swollen with tears, and stained with blood."
—*The Grog-seller's Dream.*

"The lust of gold exceeds the lust of conquest;
The lust of gold, unfeeling and remorseless;
The last corruption of degenerate man."
—*Dr. Johnson.*

In concluding this little volume, I feel that the common courtesies of life require me to say a few words to the liquor-sellers. To you, gentlemen of the "tap and corkscrew," I would say something before I say good-night to the public. I feel that you ought not to be slighted. So respectable a portion of our community as yourselves deserves especial notice, and what I say to you I say in all kindness and consideration.

I know that your "guild" is an ancient one, and that you have always exerted a great influence over men. Without your eminent services a large class of politicians—worthy men (?) would be as powerless as was Samson when shorn of his locks Is an important political issue before the people, and to be left to their vote? Straightway is your power made manifest. You infuse into the average voter a spirit that becomes positive enthusiasm in behalf of those eminent men who have secured your valuable support. A great proportion of a certain class of voters look to you for instructions before they attempt to wield "the freeman's efficient weapon, the ballot." You are most useful in selecting for offices of public trust those great and good men who so faithfully administer the municipal affairs of our great cities.

In certain districts in our large towns there is a class of the population that, to the ordinary observer, appears to be entirely worthless. Of these you organize an army of voters who willingly do your bidding. In this respect you resemble those ingenious machines that convert the waste of factories into useful commodities—such, for instance, as are used for clothing and blanketing the soldiers of our imposing standing army. You are a power in the land to be feared, if not respected. This is well know to our politicians, who therefore pay due and proper regard for your calling.

Many of our great benevolent institutions depend upon you for their inmates. In fact, I sometimes wonder what philanthropists would do for objects on whom to exert their benevolent purposes but for you. You furnish them in great numbers. The back streets and alleys of our cities will provide them most abundantly as long as a Christian people will permit you to ply your licensed occupation.

All over our country are erected noble structures of imperishable stone and iron, in which your followers are humanely cared for at the expense of a generous people. Those imposing edifices are but so many monuments erected in honor to you, and to perpetuate your memory. All this is done because of the spirit infused into society by your means, and in the exercise of the great franchises you enjoy. What would be the use of those noble institutions, the prison and poor-house, if the country furnished no inmates? They would be silent as the houses of the dead, but now, through the influence you spread around, they are great hives of industry, always full, and their machinery never idle. How gratifying it must be to you to know that while the government has erected these great workshops, you provide workmen.

To you, also, is science greatly indebted. You furnish our educational institutions with subjects for scientific investigation. But for you the scalpel would rust in its case, and the dissecting table be without an occupant. It will not do to rob the cemeteries of the remains of the rich and respected even for the sake of science. There is a patrician prejudice against erecting ornate monuments of the sculptor's art over an empty burial case, and inscribing thereon the virtues of those who lie

not beneath. To the pauper class alone, then, must science look for its subjects, and as long as the noble guild of licensed rum-sellers exists the supply will greatly exceed the demand, for you will always keep the market overstocked.

You also promote emigration. There are many colonies formed in distant lands—as in Australia—where the prominent emigrant was first brought to public notice by the influence you exert; and that influence permeates all classes of society, from palace to hovel, from the poor outcast in the street, to the painted inmate of those temples of vice where the appetite you create has made sin profitable, and lust an impetus to trade. I know, too, that as a class you are eminently respectable, for a number of good citizens must have so certified to the court that granted your license. Had this not been so you would not have been permitted to engage in so noble and philanthropic a business as the selling of that which "*biteth like a serpent and stingeth like an adder.*"

The business of selling liquor to the poor unfortunate inebriate is so pure, so free from immoral stain, that among the multitude of avocations in our land, that, and that alone, requires a certificate of good moral character before you can engage in it. All other avenues of trade are free and open to all. Yours, and yours alone, is the exception. This fact shows how preëminently respectable is the business of selling whiskey. All other occupations are liable to be used for mercenary purposes, and bad and disreputable men may engage in them; but, thanks to the enlightenment of the nineteenth century, a great and Christian government reserves the right to determine who may, and who shall not, make drunkards. From this source the revenue of the State is increased, and your business made respectable by law. When the law selects from the people a few upon whom to confer a privilege that shall not be enjoyed by the many, what better badge of respectability can be desired than the license of the court to enjoy that privilege?

In ancient times the sovereigns of a people conferred upon their favorite subjects certain distinctions; and with the insignia thereof none could decorate their persons save the favored few. Stars, garters, and ribbons were the licenses of the ruler to those on whom were conferred the exclusive enjoyment of

certain privileges and franchises. This formed an order of nobility, and they became the aristocracy of the country. The decorations were worn by the proud owners thereof on the breast, or were suspended from the neck in a most conspicuous manner, thereby notifying the public that they were the titled few. Now, why should not the rum-selling nobility imitate the titled and great of other lands? Let the emblem of distinction be a shield with the seal of the commonwealth in the foreground, a drunkard *couchant* and a whiskey bottle rampant in the background, and let a prison and a gallows loom up in the distance. Let the motto be, "*Depressus extollor*" ("*Being debased, I am exalted*";) place the decoration on the left breast, over a heart dead to all human sympathy, and alive only to wicked gain, and the law of "the fitness of things" will be verified.

I am afraid, my friends of the "noble calling," you do not fully appreciate the great and glorious privileges you enjoy, and the position in society that privilege confers upon you. Reflect for a moment! Your license not only gives you immunity, but it is evidence clear and conclusive of your good character and responsibility. In this country a man may be a merchant or a mechanic, a learned professor or an humble artisan, and no certificate of reputation is required. A man may preach the Gospel—yes, he may even practice the pure and untarnished profession of the law without such certificate, but you cannot sell rum without you are morally qualified to do so. And it is right and proper that it is so, for no business in our land so much affects the morals of the country as yours.

In your keeping the law intrusts the welfare of many a household and the honor and happiness of many a family. You inspire your fellow-men to commit nearly all the crimes in the calendar of human iniquity. Many a noble man has, by your respectable assistance, commenced that career of vice and crime that has ended in the prison or on the gallows. Into your poisoned chalice fall all the tears of the drunkard's children and the sorrows of his heart-broken wife. Your garments are stained with the blood of nearly all the murders whose details fill the column of our daily papers with their horrors. "Killed in a drunken brawl," is the coroner's verdict

that meets the eye on every page. But remember, it was your hand that placed the maddening cup to the murderer's lips, and from all over the land thy brother's blood cries to Heaven against you. And when from the trembling hand of some poor victim of the fatal appetite you take the price of his ruin, do you never tremble when you reflect that "God is just, and His justice cannot sleep forever."

It is true "*that it must needs be in this world that offenses will come; but woe unto that man by whom the offense cometh.*"

CHAPTER XLII.

GOOD-BYE TO THE READER.

"Farewell! I will omit no opportunity
To convey my greetings of love to thee.

"All the world's a stage,
And all the men and women merely players;
They have their exits and their entrances;
And one man in his time plays many parts."

—*Shakespeare.*

To THE indulgent reader of this little volume I have a few words to say ere I lay down my pen. I have tried in the preceding pages to present the evils of the license system in a few simple narrations, and, now that I have finished, I feel that I have come so far short of my desire and intention, that I regret I ever attempted the task. There has been so much said, and so well said, to the public on the subject of temperance, that I fear me my feeble effort has added nothing of importance to the evidence already adduced in the great cause of Temperance Reform *vs.* Alcohol, now on trial before the tribunal of public opinion, and but for the fact that the printer has kept pace with my pen, and that most that I have written is already in proof-sheet, I would not present this volume to the public.

Those who have written so much and so ably on the subject of intemperance, have generally been ministers, who have presented the question from their point of observation, the position from which they have seen its evils and its pernicious influences in society. But the lawyer and the minister of the gospel look upon mankind from very different stand-points. The minister always sees his congregation dressed in their "Sunday best," in a suit carefully brushed and laid away during the week from the rough contact with the business vocations of the world, and

with faces (to correspond with their clothes) from which every expression of worldly care is banished.

The minister in his sacred desk sees his people very much as the audience in a theater sees the actors upon the stage—dressed for the occasion and "got up" in harmony with the surroundings, and for scenic effect. To the people in the auditorium the tinsel crown of the prince in the play and the paste jewels of his decorations appear as genuine gold and precious stones. So with the smiles and tears, the joys and sorrows, of the *dramatis personæ*, all appear real and genuine, yet all are as unreal as the "baseless fabric of a dream."

But a lawyer views mankind from a stand-point peculiarly his own; he is in the "green-room" of human life, and sees the "make-up" of the different actors as they move upon the stage. To him the gaudy show and tinsel trappings of morality and ostentatious piety worn by the various actors on life's great stage appear in their true light and real value. The tinsel crown that cheats the public to him is but gilded pasteboard. The jeweled insignia of honor and rank conferred for deeds of greatness and philanthropy are as cheap and valueless as in reality are the deeds they are designed to reward.

The lawyer sees men in their worst aspect—as they are prompted to action by selfishness, malice, and hatred toward their fellows. He sees them, morally as well as physically, dressed in their every-day clothes—soiled by contact with the lusts and passions incident to the various occupations of the world—as they jostle and crowd each other along the various business thoroughfares of life. In our courts he sees laws and legal processes prostituted to the accomplishment of wrong and injury, and made to serve the basest passions of men. He sees men occupying high social position by reason of their wealth, every dollar of which was obtained by ruin brought to the inebriate's home and sorrow to his fireside. He sees ostentatious wealth decorating the pew of the Pharisee in a Christian church, whose occupant, by license and law, has preyed upon his fellow-men as the wolf and vulture prey upon the flocks of the shepherd. He sees wealth defy law and justice, while poverty is punished for crimes it did not commit. He knows it to be true that—

"Plate sin with gold.
And the strong lance of Justice hurtless breaks:
Arm it in rags, a pigmy's straw doth pierce it."

All this the lawyer sees and knows. The school in which he has been educated teaches him charity for the frailties of those the law accuses, and his experience is calculated to beget in his mind feelings of contempt for the legislature and its enactments, and too often for the decisions of our courts of highest authority.

All men must obey the law, and should, if it is possible so to do, respect it. *But the law that permits the traffic in alcohol, and licenses men to deal in the "liquid damnation" of the saloon and bar-room deserves the contempt of all mankind, and must be blotted out of our statute-book by the vote of the people.*

To the great army of temperance reformers, I would say, in conclusion, that our cause is just and must prevail. The end is near at hand. God's moral laws are as certain in their results as are the physical laws that govern the universe, and with continued, persistent, and united effort, in a cause so holy there is no such word as fail:

"Write it in lines of gold,
Upon thy heart, and in thy mind
The stirring words unfold,
And in misfortune's dreariest hour
Or fortune's prosperous gale
It will have a holy, charming power:
THERE IS NO SUCH WORD AS FAIL."

POSTSCRIPT.

"Books should one of these four ends conduce:
For wisdom, piety, delight, or use."
—*Sir J. Denham.*

"The printed part, though far too large, is less
Than that which, yet unprinted, waits the press"
—*Spanish Couplet.*

"'Tis pleasant, sure, to see one's name in print;
A book's a book although there's nothing in 't."
—*Byron.*

"I HAVE read your book," said a friend to me, "and I rather like the stories, if I could only read them without having to read so much of your nonsense about temperance. Now, if you would write a book giving a history of the singular criminal cases you have been engaged in, without any allusions to temperance, I should like to read it. Tell the story of Edward H. Ruloffson, the learned and celebrated murderer, who was hanged at Binghamton; also the trial of P. for poisoning his wife, during which you analyzed the homœpathic medicine; and the murder of old man B., who was poisoned by his son and young wife, and numbers of other cases that I remember you were engaged in. I believe you could make a very interesting book if you would say nothing about 'liquor and license' or the 'man of good moral character.'"

My friend's ruddy countenance assumed a brighter hue as he looked at me with a beaming smile of encouragement, while the most prominent feature of his good-looking face seemed to glow with a deeper and brighter color, as if even that organ was animated by the thought, and joined in his disapprobation of the temperance argument.

My friend's remark suggested the thought to me of writing another book, with the cheerful title of "COURT AND PRISON: LEAVES FROM THE DIARY OF AN OLD LAWYER;" and in it to

relate many curious incidents of crime, their detection and punishment, the details of which I had heard either in our courts or prisons. But to do this and say nothing about liquor and its effects would be a difficult task indeed. It would be like writing the tragedy of "Othello" and omitting the jealousy of the Moor; or the drama of "The Merchant of Venice" without the hatred and avarice of the Jew. Write a volume about crime and say nothing about the influence that prompted it! Why, the astronomer might as well attempt to describe the motions of the celestial orrery and say nothing of the laws of gravity; or the anatomist seek to describe the human organism without referring to the beating of the heart that forces the blood throughout all the organs of the body. For without liquor, without the laws that sustain its sale and consumption by the people, the chief source of crime would exist no longer.

Reader! if you could retrace with me the long and weary path of my professional life, if I could invest you with my memory of the past, and permit you to witness the scenes I have witnessed, you would forgive me for what you may call my fanaticism in my hatred of the "accursed traffic"; could you even, by the dim light of a fading recollection, see the partings at the prison portals that I have seen!—the mother in an agony of grief parting with a wayward child, whose crime was caused by drunkenness; the father, who, heart-broken, in vain attempted to conceal the terrible sorrow that overcame his strength of manhood as he parted with a prodigal, dissipated son, who had been tempted to crime by the legalized temptations of a Christian land; the husband and wife, lover and betrothed, that the wicked influence of strong drink had separated, consigning the one to prison and ignominy and the other to long years of uncontrollable grief, a grief far more poignant than the bereaved mourner feels by the side of the coffin where the somber pall covers the form of the being most loved on earth. Could you see all this, not only once, but often repeated, as I have seen it, you would pardon my "fanaticism" and credit me with honest convictions when I say that to-day the greatest curse that afflicts fallen man is the curse of strong drink and the appetite it begets, and man's greatest sin is the law that permits and licenses its sale.

A few years ago I defended a young man who was convicted of a grave crime committed while intoxicated. By his side during the weary hours of trial sat his betrothed, a beautiful young girl, whose love would not permit her to forsake him, although even his friends and relatives had cast him off. After his conviction he was sentenced to seven years imprisonment in the penitentiary. She was in his cell when the officers of the law were about to take him from our jail to the prison. The sheriff had placed upon his arms the fetters that had been forged and riveted by ram, and was about to remove him from his cell, when she threw her white arms around his neck, and said, "Oh Fred, dear Fred! I will be true to you although all the world may forsake and condemn you, for I know you are not guilty at heart, and never would have done as you did if you had known what you were doing. But, Fred, remember you have solemnly promised me that in the solitude of your cell you will pray to God to help you conquer the fatal appetite that has led you to commit crime, and that has almost broken my heart! Keep your promise, dear Fred, and I will keep mine. And when your term of imprisonment has expired, and your prison-doors are opened, I will be there to welcome you once more to Liberty and happiness. We will go away, dear Fred, where no one will know of this, and I will be to you a true, loving and faithful wife." But my pen fails to describe this parting scene: the last embrace, the parting kiss, and the clanking of the fetters of the condemned as he stepped into the van that conveyed him to prison.

Three years passed away, when with the girl I went to the State capitol with a petition for "Fred's" pardon. The kind-hearted Governor received us at his mansion. I introduced the girl to his excellency, and then, like the Duke of Argyle when Jeannie Deans presented to Queen Caroline the petition for a pardon for her sister Effie, I stood a silent spectator to the interview, for I well knew that the logic of the law could add no force to a plea inspired by love and sanctified by fidelity and truth. And as the beautiful girl continued, I saw that the kind-hearted Governor was affected almost to tears. At last she proclaimed the evidence of her lover's former unblemished character; that he was intoxicated when the crime was com-

mitted, and said, with such a pleading expression of eye and lip, with a voice choked with sobs, "Oh, Governor! if you do not pardon him, it will break my heart, for he is all I have to love on earth; my friends have cast me off because I helped to bear the shame of his trial and sat by his side in court when all other friends forsook him, and because I have promised to be his wife when he is released from prison. I have known Fred from his childhood; we have loved each other ever since we were children, and he was always so true and honorable until he acquired the habit of drinking. He was always kind and gentle, and never would have stabbed the man if he had not been intoxicated. And oh! if the great men who make our laws only knew the sorrow that is caused by liquor, if they only knew how many good young men like Fred are ruined by it, and how many broken hearts it has made all over the land, they would never enact such wicked laws. And when they are enacted, Governor, if you would only veto them, you would not be so often asked to pardon those that are made criminals by their influence. And many, many poor sorrowing wives and mothers would pray to God to bless you every day. And if you will only pardon poor, dear Fred, I know he will never drink again, and will never commit another crime." The poor girl by this time was convulsed with sobs, and her tears fell like summer rain.

For a few moments the Governor said not a word (I believe his emotions would not permit him to), but, seating himself at a table, he wrote an order to his secretary to make out the pardon, and handing it to the weeping girl, said: "There, my dear! go and marry Fred; and I know your love and influence will make him a good citizen."

I went with her to the prison and handed the pardon to the warden. He rang a bell and ordered an attendant to bring prisoner No. 1,208 to the office. Soon I heard steps approaching along the corridor, the door opened, and the officer accompanied by Fred dressed in prison clothes, entered the office. He did not know why he was called, and for a moment looked bewildered and astonished. When the girl threw her arms around his neck, saying: "Oh, Fred! YOU ARE PARDONED!" the shock of surprise and joy was so great that the prisoner fainted in her arms, and fell to the floor.

As she knelt by his side, and pressed her pure lips to his prison-stained brow, and by her caresses sought to revive him, I thought that that kiss would have opened the gates of paradise to the "banished Peri." When the pardoned prisoner revived, when I told him how his release had been obtained, and how much he owed to the girl by his side, he burst into tears and said, "Nellie, I am not worthy of your love, but by God's help I will try and become so." "Fred," she replied, "you were worthy until you took to drink; and oh, Fred! if you will never taste liquor again we will be so happy, and I will try to make you forget this terrible sorrow and punishment, and we will go where no one will remember it against you."

They were married that evening, and went West. I frequently hear from them. They are prosperous and happy.

I have often thought of this event, and the young girl's devotion to her lover when, alone and friendless, he passed through the terrible ordeal of a trial, conviction, and sentence for crime. The thoughts of her faithfulness and disregard of the opinions of the world for the man she loved, has made me a firmer convert to the theory somewhat irreverently expressed by Robert G. Ingersoll: "That when we consider the quality and quantity of the material out of which the Creator made woman, she is by far the best job he ever did."

But I am afraid my postscript will be like that of a woman's letter, generally longer than the letter itself. What I intended to say was this: that I propose to write a book, as my friend suggested; and while temperance will not be its objective point, yet whenever I can smuggle in an argument in its favor, I am afraid I shall do so. I will try to make the book interesting to the general reader, and at the same time as far as possible to inculcate the principles of temperance and opposition to any laws that license men for revenue purposes to propagate crime, poverty, disease, and sin.

The kind manner in which the former editions of this little book have been received by the public and the press encourages me to write another, in which I will not confine myself to incidents of crime originating directly from strong drink, but write those I think will most interest the general reader. And,

in doing this, my object will be to relate the incidents of crim
nal trials in such a way as to impress upon the mind of th
reader the great truth that

"The way of the transgressor is hard, and the wages of sin is death."

THE AUTHOR.



CHANCELLOR CROSBY'S

CALM VIEW,

FROM A LAWYER'S STAND-POINT.

—BY—

A. B. RICHMOND, Esq.

"E'en ministers, they hae been kenn'd,
In holy rapture,
A rousing whid at times to vend,
And nail 't wi' Scripture."
—*Burns.*

"Non tali auxilio nec defensoribus istis
Tempus eget."
Virgil.

MEADVILLE PUBLISHING HOUSE
1883.



A CALM VIEW

OF THE

TEMPERANCE QUESTION.

By CHANCELLOR CROSBY, of New York.

An Address delivered in Tremont Temple, January 10, 1881, in the Boston Monday Lecture Course.

The object of temperance societies is to prevent drunkenness. The cardinal principle in these societies is total abstinence from all that can intoxicate. That total abstinence, if adopted by all, will prevent drunkenness no one will dispute. The object of temperance societies would be gained.

But two questions arise after contemplating these propositions: first, will this plan of total abstinence be adopted? and, secondly, ought it to be adopted? The first question is prudential, the second is moral.

THE PRUDENTIAL QUESTION.

1. Will the plan of total abstinence from all that intoxicates be received by men in general? We desire to use in all measures of reform a plan that is practicable. We cannot be satisfied with mere testimony to a theory that will be unproductive of results. Herein reform differs from religion. Religion demands adhesion to a truth stamped by the conscience, even though that truth find no other adherent. But reform

lies in the domain of the expedient. It seeks to make society better, and if it cannot raise society to the highest level it will raise it as high as it can. It will not prefer to let society wallow because it cannot place it in an ideal Utopia. The most religious and conscientious man will be glad to see men leave off strife and discord, even if they do not act from the highest motives or attain to the heights of a genuine charity. His conscience will not be injured by their improved condition, however much he would like to see them still more enlightened. It is an important point to make clear to the mind this distinction between the conduct of reform and the movement of personal religion, for confusion here has led to much false action. A common argument of the radical agitator is that his conscience cannot stop short of total abstinence in the temperance question, and on that ground he will not have any affiliation with one who seeks to subdue the intemperance of the land by any other method. But his argument is a complete *non sequitur*. His conscience concerns his own personal habits. In the matter of other people's habits he is simply to do the best the circumstances allow. The conscience that prescribes his personal habits may make him long to see others like him, and may make him work to that end, but it cannot rebuke him if that end is not attained, but only an approximation is gained; nay, it should make him work for the approximation with all zeal.

Too often that which is called conscience is mere obstinacy of opinion and personal pride. A large part of the fanaticism that history records has been in this way. Men have gone to the stake as martyrs, or sufferers for conscience' sake, when the heresy they professed never went deeper than their sentiment, and might readily have been altered by a free judgment. While this fact does not justify their persecutors or palliate their guilt, yet it certainly detracts from the merit of the martyrdom. In this matter of arresting the progress of drunkenness we may have very different views of the means to be used, and we may conscientiously adhere to our own plan of working toward the end, but we cannot *conscientiously* object to the means em-

ployed by others, unless they contain an immorality. Nay, more, we *must conscientiously* wish them success.

If this principle of sympathy and co-operation on the part of all who seek the abatement of intemperance were once established, we should see effects that are now thwarted by the divisions and mutual hostility of those who profess to have the same end in view. One of the reasons for this confirmed hostility of the total-abstinence advocates against the reformers who do not adopt that principle is found in the power of a false usage. I refer to the word "temperance."

MEANING OF THE WORD "TEMPERANCE."

The word has been violently wrested from its legitimate meaning. By a persistent use of moderate words for radical measures the great unthinking public, so far as they are seekers for the common good, have been led to see in these radical measures the only path of duty. They have learned to consider all that was opposed to the party called by the name of temperance as inimical to temperance, and so have enormously swelled the radical ranks by their unenlightened adhesion. The label has been affixed to the wrong goods, and the unsuspecting purchaser has not noticed the fact. So potent has been this deception that I undertake to say that there are thousands of worthy citizens who have no other idea of the word "temperance" than that it means the total abstinence from all that can intoxicate. With such we have to begin with first principles. We have to show them that the Latin *temperantia* signifies the moral quality of moderation or discreetness, and that the English word "temperance," as used in all good standard English works, means precisely the same thing. We have to show them that the *temperate* zone does not mean a zone which totally abstains from cold or heat, but a zone that is moderate in both; that a temperate behavior is not a behavior that totally abstains from severity, but one that is steady and reasonable in its course; as Cicero says ("Fam.," 12, 27): "Est autem ita temperatis moderatisque moribus ut summa severitas summâ cum humanitate jungatur." And while quoting Cicero I may quote his

definitions of temperance as given in his "De Finibus"—first, "Temperantia est moderatio cupiditatum, rationi obediens" (2, 19, 60); and, secondly, "Temperantia est quæ, in rebus aut expetendis aut fugiendis, rationem ut sequamur monet" (1, 14, 47). Now, what a fearful prostitution of a noble word is seen in the popular use of the word "temperance" to-day! And this prostitution is a work wrought within the last fifty years. From its high position as signifying a grand moral subjection of the whole man to the sway of reason it is degraded to the maimed and mutilated function of representing a legalism that prohibits man from any drink that can intoxicate. To what base use has it come at last! This false use of a word has had special influence upon that portion of the unthinking public who rightly reverence the Scriptures. They see that temperance is put in the list of Christian virtues; and as temperance now means total abstinence, what can they do, as loyal believers in the Scriptures, but sign the pledge, and, furthermore, count all who do not as aliens from God's truth? They are as honest and enlightened as the good Presbyterian woman who only needed to see the words "general assembly" in the Bible to know she was right and everybody else wrong.

Now, the use of a false argument always reacts against the user, and, while the ignorant and semi-ignorant multitude will be deceived, the thinking classes of society will shun a cause that rests on misrepresentation. The word "temperance," as seized and appropriated by radical and intemperate souls, is a false flag, and, as a false flag, will disgust and alienate true and enlightened souls. Especially will this be the case when it is found to be only one of many false lights held out to attract the masses. Another of these deceptions (of course I do not say these are willful deceptions by all that use them; I am only speaking of their absolute character)—another of these deceptions is the circulated theory of an unfermented, unintoxicating wine. There is not a chemist nor a classical scholar in the world who would dare risk his reputation on the assertion that there was ever an unfermented wine in common use, knowing well that *must* preserved from fermentation is called wine only

by a kind of courtesy (as the lump of unbaked dough might be called "bread"), and that this could in the nature of things never be a common drink. Cato ("De Re Rustica," 120) shows how by a very careful method malt could be kept for a whole year, and other Roman writers show the same; but who can pretend that these writers ever looked upon such preserved juice as wine, when their whole object is to show how it can be kept from becoming wine? Yet, with no other foundation than this, the leaders of the total-abstinence cause have published their bull affirming that the good wines of antiquity were unfermented, in utter defiance of chemistry, history, and common sense. Because the grape-juice could, by means of hermetically-sealed vessels under water, be kept grape-juice, therefore the common wines of antiquity, the wine of which writers speak when they use no qualifying phrase, must have been unfermented. This is the logic used by these infatuated defenders of the total abstinence principle.

DISTORTION OF SCRIPTURE.

A third deception in this cause is the twisting of Scripture to its advocacy. No unbiased reader can for a moment doubt that wine, as referred to in the Bible *passim*, is an intoxicating drink, and that such wine was drunk by our Saviour and the early Christians. To meet this fatal blow to the total-abstinence system in the minds of those who take the Bible as their guide, the advocates of the cause have invented a theory that is magnificent in its daring. It is no less than the division of the word "wine" by a Solomonian sword, so that the good and the bad shall each have a piece of it. Whenever wine is spoken of severely in Scripture, then it is fermented wine; and whenever it is spoken of in praise, or used by our Lord and his apostles, then it is unfermented wine. And if you ask these sages why they so divide wine—on what grounds they base this theory—they bravely answer that our Saviour could not have drunk intoxicating wine, and God's word never could have praised such, and, *therefore*, their theory. They start with the begging of the whole question, and then on this thin air they build their castle.

It is not my purpose to argue with these strange logicians. I only wish to put this Scripture-twisting in the list of deceptive methods used by the representative total-abstinence reformers to promote their cause. I could add, in this item, the false use of texts and the suppression of parts of texts, but I leave the matter here.

The three elements of deception entering into their cause is, as we have seen, the use of the word temperance for a totally different thing, the fable about unfermented wine, and the violent wresting of the Scriptures. Now, I unhesitatingly affirm that a cause having such falsehoods as its main support can never be accepted by the public. Simple-minded people may be gained to it, but the thinking people will be repelled. It is true that some may adhere to it, in spite of its falsehood, for other reasons; but the three great untruths that are flaunted on its banners will disgust most men who have brains and use them.

A second reason why I believe the plan of total abstinence will not be adopted by the people is its *unmanliness*. To stop the use of anything because of its abuse is an expedient for the weak and diseased, an exceptional plan for exceptional cases, but to assert this principle among men in general would be to degrade the race and remove all the incentives and helps to moral growth. We know in the family how mistaken a method it is to remove everything the child should not play with out of its reach. The wise parent leaves the article in its accustomed place, and teaches the child its rightful use.

SELF-CONTROL.

The other plan only makes the child more and more dependent on external checks, and prevents the growth of self-control. The same reasoning holds good in the human family at large. We are to develop self-control as much as possible. A true civilization always seeks to do this. A barbarous state of society requires man to hide everything valuable in places unknown to others, and to go personally armed to secure himself against attack. But a civilized condition reveals a very different state of things. Men live in houses full of valuables, and walk the streets unarmed and in security. Dependence is placed upon

the common self-control, and it is acknowledged to be a far higher and more successful principle for the conduct of human life. Of course there is a limit to this practical trusting of mankind, and much wisdom is needed to mark this limit correctly in any given instance. But the general truth is evident that true civilization is in the direction of personal self-control, and not in that of governmental prohibition. We expect law to *prohibit* crime, but we look to law only to *regulate* matters that do not involve crime, but contain risk under certain conditions. Now, the selling or drinking of wine is certainly not a crime, and any legislation which prohibits it is open to the charge of putting it in a wrong category and abusing the popular conscience. A prohibition for certain times or places may be defended without subjecting the act to this false imputation: but a total prohibition, the cardinal doctrine of the total-abstinence people, at once brands wine-drinking with theft and violence. Things that are not vicious in themselves, but which may be readily abused to vicious ends, certainly need legislative regulation, and such regulation is a help to self-control, where prohibition would be a hindrance. Regulation is a hint to keep the people on their guard, but prohibition, is completely taking away the subject from the people's notice. Now, the [illegible] mind revolts at being treated in this childlike way. It naturally says: "Give us certain wise rules about this thing, but for the sake of respectable and dignified humanity do not sweep it away from the earth." Remember that we are not arguing [illegible] on the merits of the total-abstinence theory, but only on its feasibility. We do not say that it is a wrong principle. We only say that people will not adopt it, and we are showing the reasons why they will not. The community will not (unreasonably as they think) be put into leading-strings and kept in a permanent nursery—and that, too, by men who use manifest falsehoods as prominent arguments for their position. There is such a thing as the public conscience, and people will draw lines of distinction between things criminal and things indifferent. They will naturally, therefore, resist any movement that tends to obliterate these distinctions, and judge of it as the act of a tyrannic opinion, and not of an ethical truth. They feel that

their manhood is assailed, and if this assault is allowed in this form they may be exposed to other assaults in still more odious forms. Of course it is easy for the radical reformers to say that this opposition is interested, and is only the struggle of evil against those that would fetter it; but there are too many good, conscientious and thoughtful men who feel all this that I have said for this allegation to be maintained. We cannot consent to go back to mediæval nonage, and have our day's allowance doled out to us by a few that arrogate to themselves the paternal management of the world. We cannot permit the system of sumptuary laws to take the place of an enlightened common sense. We cannot forego our reason on the plea that the world is in danger. Nay, we must all the more assert our reason against a false expediency that in curing, or attempting to cure, one evil would create a hundred. The fact that there is a great danger is the very fact that should guard us from pursuing any false way. Great dangers must be met with great prudence, not by headlong impulse. It looks brave to shout and fall pell-mell upon the enemy; but it is wiser to set our batteries in sure places, and to order line and reserves in the interests of a permanent victory. Too many of our reforms are pushed without regard to the character of the means, the end being insisted on as justifying all means. The temperance reform has been an eminent example of this heedlessness.

THE SPIRIT OF INTIMIDATION.

And here I put the third reason why I believe the plan of total abstinence will not be adopted by the people—because of its spirit of *intimidation*. Of course this is not inherent to the cause, but it has been the invariable accompaniment of it during its forty years' curriculum. And we now have to deal practically with historic facts, and not with mere abstract theories. Whatever may have been the cause, whether it be the weakness of the case or the unfortunate choice of leaders and defenders, the total-abstinence propaganda has been an overbearing and tyrannical power. It has used a violence of language that can admit of no excuse. It has condemned every one, however faithful in all moral and religious duties, who has refused to en-

ter its ranks. It has confounded all ideas of right and wrong, calumniously declaring the man who drinks wine moderately is as bad as, nay, worse than, the drunkard; asserting that all drinks, whether vinous, malt, or distilled, are alike poisonous; vilifying those who teach any other doctrine by calling them traitors to tke truth—Judas Iscariots betraying the Master—and exercising where it could a fearful proscription in driving good men from the pulpits of the land because they would not and could not conscientiously pronounce their shibboleth. The principal printed organs of this propaganda have been full of these fierce onslaughts upon the character of respectable men, and the harsh and cruel judgments spoken of have been carried out with the spirit of the Inquisition. The political world has lately invented a word for this way of settling a disputed question. They have called it "bulldozing." It makes peace by creating a desert. It produces unanimity by shutting the mouths of the other side. The world is apt to think that such conduct indicates a cause that cannot be sustained by reason, and the reaction is likely to be excessive. It is exactly that reaction which is now making the cause of rum and ruin more successful than ever. Men, in their revolt from tyranny, rush into licentious extremes; and however honest the tyranny may have been, or however true the cause it supported, it has only itself to blame for the harm it does. A man may put his hand on the safety-valve and exclaim: "See how I have stopped the noisy escape of the steam;" and certainly everything looks calm and peaceful; but a few minutes afterward, when the steam has had time to gather its strength, our hero will have a different cry. A little success here and there by the total-abstinence crusade may impress many with the idea that this is the true way to make men temperate. A partial success in Maine has been proclaimed as proving the question against the painful failures everywhere else, but no careful observer will either approve the specimen or take it as a proof against our general position. Maine is but a small part of our country, and has no great seething population made up from every nation on earth. It has a highly-educated people, who can bear an experiment in morals with something of a philosophic spirit. A few strong-

minded and high-minded people can become ascetics, but the great world cannot, and we must legislate for the great world. Even Maine cannot permanently keep its Maine Law.

There is a general notion in the public mind that the present condition of Maine in regard to the liquor question is that of a temporary repression; and whether that notion be right or wrong, it belongs to that public opinion which has to be regarded in all prudential planning. The general thought of the community concerning this repression is that it belongs to a system of intimidation that can never be a permanent institution in this land.

I have thus far considered only the prudential question. The total-abstinence scheme may be in strict accordance with theoretical virtue. It may be the grand end to which all reforming processes should tend. All we have endeavored thus far to establish is that it is a plan that cannot succeed, if we are to judge it by its past history and methods, as well as by its intrinsic principles, and that therefore to push the plan is to defeat the great end we should all have in view—the cessation of drunkenness with its fearful ruin to body, soul, and society. We have endeavored to show that the public mind will not receive a system whose principal agencies have been falsehoods and intimidation, and whose principles they consider to be at war with a proper manliness or self-respect. We repeat (that no one may mistake us) that these falsehoods and intimidations are not necessary parts of the system, but have been its constant adjuncts in point of fact: and we also repeat that our argument regarding manliness is not (so far as we have gone) so much a charge against the system as a statement of what a very large portion of respectable and virtuous thinkers think of it. It is from such considerations, we hold, that the plan of total-abstinence as a method of eradicating drunkenness and its attendant vices will never be adopted by the community. One other thing I desire to repeat before taking up the other branch of my subject, and that is that I make no charge of purposed falsehood on any of the total-abstinence leaders. Their main arguments *are* falsehoods, as I have shown, but I am quite sure that the excellent men who are often found leading the crusade are honest in

their use of these false statements. They take up these weapons without sufficiently examining them. They see that they can be made effective, but do not stop to enquire whether they are legitimate. Their praiseworthy zeal outstrips their judgment and prudence. I honor the heart and energy of very many of these men. They show a philanthropy and consecration, involving often self-denial and loss, which demand our admiration. They are, indeed, too often mixed up with low, hypocritical self-seekers who make the temperance cause a mere lever to raise money, but that does not detract from the sterling devotion of these noble souls. And while I differ from them altogether in my views, and am thoroughly convinced they are doing unmeasured harm to the community by retarding practical reform and disseminating pernicious principles, at the same time I would not refrain from yielding this honest and hearty tribute to their intentions, and disclaim any personal reproach while criticising the system they advocate.

THE MORAL PHASE OF THE QUESTION.

2. The prudential question being thus treated, I turn to the *moral* question before us: "Ought the plan of total abstinence to be adopted?" Is it a healthful and legitimate method of doing away with drunkenness? A man stands at a great disadvantage who argues in behalf of his belief that the total-abstinence system is immoral, because he at once exposes himself to the assaults of slanderers who impugn his motives and deny his honesty. Radicalism has so ruthlessly mobbed down independent thought by its intimidating processes that editors who have no faith in the total-abstinence system still uphold it in their columns, and ministers deem it prudent to say nothing against a cause so popular in religious circles. Men are loath to come forward and be be-spattered with mud thrown in the name truth and godliness. They are loath to lose the support and good-will of the many whose fanaticism despises argument and brooks no opposition. Hence, if any one is constrained to speak, he is tempted to come forward as a humble apologist and modestly plead his cause with many concessions and compromises. Surely this is not for the advantage of the truth.

In this address I take no apologetic position. I carry the war into Africa. I have no contest with men, but with false principles. I assert that the total abstinence system is false in its philosophy, contrary to revealed religion, and harmful to the interests of our country. I charge upon this system the growth of drunkenness in our land and a general demoralization among religious communities. And I call upon sound-minded, thinking men to stop the enormities of this false system by uniting in reasonable and wholesome measures for the suppression of drunkenness, for the lack of which this false system has all its present success. Between fanaticism on the one hand and licentiousness on the other there ought to be a large mass of solid folk, whose union and efficiency would moderate and reduce, not destroy, both extremes.

1. The first moral error of the total-abstinence system is in turning a medicinal prescription into a bill of fare for all mankind. That a drunkard should carefully avoid every form of alcoholic drink nobody can deny. He is a diseased man, and his restoration depends on this restriction. Now, by what logic does this man's duty become mine? Because I have admitted total abstinence as a correct principle in his case, am I bound to admit it as a correct principle for all? Are the sick to be the norm of the well? Is the matter of diet to be regulated by the needs of the drunkard? Ah! but (say they) it is to save *you* from *becoming* a drunkard. Well, is the logic any way improved by this explanation? You would put me on a sick-regimen to keep me from becoming sick! **Because total abstinence is absolutely necessary to a drunkard's recovery, you would make it necessary to one who is not a drunkard. Do you not see that, if you are going to prove your latter proposition, you must have another premise than your former one? The two are wholly unconnected. It is an offence to the moral sense of the community to spread over it the restriction of the drunkard, as it would be to imprison all the community with the imprisonment of the thief, lest by liberty they should all fall to thieving.**

FROM A LAWYER'S STAND POINT.

DOES MODERATE DRINKING LEAD TO DRUNKENNESS?

2. A second moral error of the total-abstinence theory is its assumption that moderate drinking leads to drunkenness. The millions upon millions of our race who have been accustomed to drink wine, and who never knew drunkenness, stand up against this atrocious dogma. And yet this dogma has actually become an *axiom* with the total-abstinence reformers, and they would disdain to argue it. They are so determined to have it true that they have performed the paradoxical operation of punishing the moderate drinker in the place of the drunkard as the criminal to be punished with scorn and contumely. This strange *mixing* of things reminds me of the calling good evil and evil good which a high authority makes a mark of very deep depravity. You will find that the principal shafts of the total-abstinence literature are directed not at the drunkard, but at the moderate drinker. The drunkard is pitied and coddled, while the moderate drinker is scourged. Now, this sort of moral jugglery is not beneficial to the community. It distorts and perverts judgment, and involves moral distinctions in chaotic confusion. It overthrows the ordinary reason that is so useful in all the relations of life, and leads men to clannish obedience to some ruling mind. It is the old trick of the Jesuits, to weary the mind in mazes, so that it may in sheer fatigue seek to be guided by them.

3. A third moral error of the total-abstinence theory is its want of discrimination between things that differ. Everything that has alcohol in it must be tabooed. As if all the drinks that had alcohol in them were of the same effect when drunk! Brandy and hock-wine and lager beer are all alike the devil's poison, and must be banished from the lips of all true men. This assault upon common knowledge is a blunder that has the proportions of a crime. To say that certain drinks that are wholesome and beneficial are the same as certain drinks that are pernicious and destructive is a moral outrage which the whole community should indignantly repel. Beers and unbrandied wines are promoters of health and strength when used judiciously, especially by those who have not robust health. They

are tonic, anti-scorbutic, and gently stimulating to the digestion. As Dr. Parkes, who is a strong opposer of the use of distilled liquors, says: "For the large class of people who live on the confines of health, whose digestion is feeble, circulation languid, and nervous system too excitable," mild wines and malt liquors are beneficial. The fact is that (as another writer well says) outside of the sick-room the distilled liquors are comparatively noxious, the fermented comparatively harmless. What we desire to emphasize is that the two classes of drinks are altogether different in their character and effect, and that a theory which destroys that difference has therein a moral stain.

4. A fourth moral error of the total-abstinence system is the assertion that all drinks that contain alcohol are poison; that the presence of alcohol thus justifies the confounding of different sorts of drinks just referred to. Dr. Anstie has clearly shown that alcohol in small quantities is not a poison but a true food, and that it is a stimulant to the system in precisely the same sense as that in which food is a stimulant. He has shown that there is an essential difference between the effects of large and small quantities of alcohol—a difference of *kind* and not of degree. The effect of the small quantity, he says, is often beneficial; the effect of the large or narcotic quantity is injurious. Dr. Binz defines *food* as both building up the tissues and supplying the warmth and vital force necessary for the body's functions, and he shows that, while small quantities of alcohol have not the former quality, they have the latter; and he further shows that alcohol in moderate quantities is entirely assimilated in the human system. In the light wines and beers, where alcohol forms only from three to ten per cent. of its liquid, we have the alcohol in the form best adapted for this beneficial effect: while in brandies, rums, gins, whiskeys, and all distilled liquors the alcohol is in dangerous proportions for a beverage. To say that everything containing alcohol is a poison is, therefore, a false assertion, as false as to say that fruit is poisonous because prussic acid, which is a deadly poison, is found in it. Nature has in her alembic turned a powerful and dangerous element into a beneficial minister to human wants, and all nations have recognized this vital difference between a moderate and an ex-

cessive use of stimulants, and have testified to the wisdom of using nature's provision without abusing it.

THE PLEDGE AS A STRAIT-JACKET.

5. A fifth moral error of the total-abstinence system is its dependence on a contract rather than on a moral sense. Instead of regulating a man from within, it would apply a strait-jacket. Instead of allowing a free play of a man's individuality, and then endeavoring to instruct and educate the man's reason, it would in a moment of the man's emergency tie up his conscience with a pledge, which, when the emergency is past, he will bear irksomely and endeavor to nullify or evade. This is a most pernicious instrument for debauching the conscience. In the first place, it manufactures a new sin, always a dangerous experiment, bringing about a reaction which sweeps the soul into real sin from its experience in committing the constructed sin; and, secondly, it gives a ready excuse to the conscience against any moral argument for temperance by covering it with a suspicion of conventionality. The pledge is always an injury and never a help to a true morality. It is a substitute for principle. It is a sign, not of weakness (for all of us are weak enough), but of readiness to reform. The true reform would demand a change of the underlying principles of life. *That* the pledge-taker refuses to make. Instead of that he reforms the surface. Instead of turning the stream into a new channel, he contents himself with throwing up an earthen dike to prevent an overflow. You can get thousands to sign the pledge where you can get one to reform. Of course the pledge is not kept. Except in the cases where it was not needed, where the reform took the place of the pledge, where the man would have reformed without any pledge. Surely such a wholesale breaking of promises is a profane dealing with sacred things, and a most corrupt system. Man's moral nature [illegible] by pledges. His outward conduct may be [illegible] law, but so far forth as that [illegible] no action of the man himself [illegible] matter. Government, by [illegible]

a man's drinking so long as he thinks himself in danger
ishment, but a pledge that has no punishment for its b
will command no obedience while the moral convictions
unchanged. It is only an invitation to further sin.

6. The sixth and last moral error of the total-abs
system to which I shall refer is one which I bring forw
as a philosopher nor moralist, but as a Christian who bel
the divine authority of the Holy Scriptures. This error
already adverted to in my prudential argument, and, th
need not enlarge upon here. It is impossible to conde
drinking of wine as either sinful or improper without b
reproach upon the Lord Jesus Christ and his apostles.
has been an immense amount of wriggling by Christian
on this subject to get away from this alternative, but t
stands impregnable. *Jesus did use wine.* I will not
my time in proving this proposition, and answering tho
bashi-bazouks of controversy who assert, with childlike
dence and simplicity, that the Bible wines were unfer
grape-juice. Their learned ignorance is fairly splendi
boldness. They disarm criticism by their overwhelming
Such little questions as why the epithet *wine-bibber* shoul
been opprobrious; why deacons should not be given t
wine; why the Corinthian communicants should become
en; why the apostles at Pentecost should have been acc
wine-drinking as the cause of their strange utterances;—s
trifling questions they utterly disdain to notice in the n
cent sweep of their assertion. It is a small thing, to
them, that the apostles never hint at two kinds of wine,
unfermented wine, and a bad, fermented one, when it
have been so easy and natural for our Lord or for Paul
"Drink only the unfermented wine." Instead of tha
lead us into great danger by their unguarded remark
wine, as if there were but one sort; nay, worse than tha
even tells the deacons not to drink *too much* wine. D
mean the fermented wine? Then he allowed the deacon
it as a beverage. Did he mean unfermented wine? Th
did he limit the amount? This dilemma and all the o

guments from the Scriptures are as mere cobwebs to the lances of these valiant knights, who are too free and fiery to be checked by reason or overcome by syllogism. To a foot-pilgrim like myself, however, these Scriptures are convincing and end the controversy, and, therefore, I have to charge the total-abstinence propaganda with wresting the Scriptures and despising their authority.

THE BIBLICAL ARGUMENT ANALYZED.

I know that there is a wing of their army which acknowledges all that I have said of Scripture record, and which holds that times are so changed that the Scripture examples and precepts are now obsolete, that they were made for an oriental people eighteen centuries ago, and are wholly inapplicable in the great Occident in this nineteenth century. But this wing of the host it a very weak wing, and is often very thoroughly whipped by the loud leaders, who count their position a giving up of the contest, as indeed it is. For who will believe that Christ and his apostles, on great moral questions and matters of moral conduct, gave example and precept that would not last? The argument runs this way: Christ and his apostles said that we may drink wine, but that was a local and temporary matter: now, under new circumstances, we must not. Christ and his apostles said that Christians must not be mixed with the unholy world, but that was local and temporary, when idolatry was rife; now, under new circumstances, Christians and the unholy world may so intermingle that you can't tell one from the other. The apostle of Christ said that women must keep silence in the churches, but that was local and temporary, when women were not much more than slaves; now, under new circumstances, women may mount platform and pulpit as exhorters and preachers, for verily, under the Gospel, there is no difference between male and female! I said, who will believe all this? Alas! there are many who do. And I charge them with undermining the authority of the Word of God. If moral questions that are not in the Scripture are to be thus treated, who can draw the line where you are to stop? Why may not the

Christian merchant say of the New Testament command, "Lie not one to another," this is local and temporary, when trade was sluggish and men's minds were dull? Now, under new circumstances, when emulation needs every help and Wall Street sharpens men's wits, you must lie or go under. This departure from the Bible sentiment and example on moral conduct in us who believe in the Bible is a very dangerous thing. Of course for the Buddhists who have lately become fashionable in our country it is of no consequence. And to them this division of my argument is not addressed.

I have now endeavored, in a very brief way, to point out the reasons why the total-abstinence system as a cure for intemperance will not and ought not to be adopted. Of course I am therefore bound to propose a system that *ought* to be adopted. I do not dodge the issue. No man is more keenly alive to the frightful ravages of drunkenness than I am, and it is because the prevailing system of a total-abstinence crusade is hindering the cure of the evil by keeping just methods from the field and by disgusting men's minds with the very name of temperance, so cruelly bemired, that I denounce it, and ask good men to rally around a truer and purer standard.

EXCESS AND MODERATION.

The right system must be one that recognizes practically the difference between excess and moderation, and the difference between injurious and harmless drinks, and will thus appeal to the common sense of reasonable and thinking men. It must be a system that deals honestly with history, science, and Scripture, and does not invent theories and then support them by garbled quotations and imaginary facts. It must be a manly system, that has no cant or foolery of orders and ribbons degrading a matter of high principle to the hocus-pocus of child's play. Such a system would be found in the exclusion of distilled liquor from common use as a beverage both by public opinion and by law, and the wise regulation in society and in the State of the use of vinous and malt liquors. Society should put away all the drinking usages that lead to excess, such as furnish-

ing many wines at an entertainment, or "treating" others, or putting brandied wines upon the table; and the State should limit the number of licensed sellers to at most the proportion of one to a thousand inhabitants of each town, and these sellers should be under heavy bonds not to sell to minors or drunkards, and not allow disreputable characters to gather at their places. The law should likewise make the collection of evidence against a licensed seller easy, and the penalty of breaking the law should be imprisonment as well as fine. On a basis like this, that does not sweepingly condemn every drink that has alcohol in it, the great majority of the people could work accordantly, and therefore effectively. The wild radicalism of the teetotalers is just what the rumsellers and their advocates enjoy. They know that this absurd extravagance disintegrates the army of order and renders it powerless; that so long as temperance is made to mean "total abstinence from everything that can intoxicate," the great multitude of order-loving men will shrink from joining any temperance movement, and hence these wholesale destroyers of the race can go on in their nefarious work with impunity. Now, what is needed is the *union* of all good men who desire to stop the fearful drunkenness of the land with its attendant crimes and misery. That union never can be effected on the principles of the total-abstinence propaganda. But it can be effected on the principles of truth and common sense, and they who prevent this union by their tenacious adherence to a false and fanatical system are responsible before God and man for the spreading curse.

There is no more important question before the American people to-day than this: "How shall we stay this surging tide of intemperance?" and it is to be answered on one side by the practical voice of society, and on the other by the edicts of our legislatures. We should act with an even mind on so grave a subject, and see to it that every step we take is solidly founded on right reason. We should urge before our legislatures plans that are free from the taint of crude prejudice, and instinct with practical wisdom; and when we do this we shall be surprised to see how many whom we took to be enemies there are

who are ready to join us in the v establish foundations of order and peace in the land t save us from a moral slough.

CONCLUSION.

Let me, in conclusion, distinctly say that I do not oppose the principle of total abstinence from all that intoxicates *for the individual*. Every man is at liberty to abstain if he will, and it is his duty to abstain if his own conscience command it. That against which I contend, and which I hold up as the hindrance to true reform and the promoter of the drunkard's cause, is the total-abstinence ***crusade*** or ***propaganda***—the forcing total abstinence upon the community as the duty of all; the putting under the ban every one who does not follow that standard; the insisting upon total abstinence as the only safety against drunkenness. It is this headlong movement, which virtually cries, "The Koran or the sword!" and tramples alike on reason and Scripture in its blind rush—it is this and not private total abstinence against which I inveigh. And let me repeat also that I am attacking a system and not persons. I have no war with men, but with error. I can honor the men who uphold a pernicious system, for I can believe in their purity of motive and singleness of aim. And for this reason I the more earnestly and hopefully urge them to consider their ways and abandon a course which is only confirming the dreadful curse we all abhor and desire to remove.

CHANCELLOR CROSBY'S

"CALM VIEW"

FROM A LAWYER'S STAND-POINT.

"O, wad some power the giftie gi'e us
To see oursels as ithers see us;
It wad frae monie a blunder free us—
And foolish notion;
What airs in dress an' gait wad lea's us—
And e'en devotion.
—*Burns.*

"Shame ever sticks to the ribs of honor;
Great men are never sound men after it.
It leaves some ache or other in their names still,
Which their posterity feels at every weather."
—*Middleton's Mayor of Quimborough.*

HAVE you read the temperance lecture of Chancellor Crosby, of New York, delivered in Tremont Temple, Boston?" inquired an old friend, in tones of exultation, of me one morning as we met in the street.

"No, I have not," I replied, "but I have read many newspaper comments on it, not very flattering to the reverend gentleman, and if he cares for the opinion of the moral portion of community, I should think he would blush with shame and that his ears would tingle at what is said of him."

"Not a bit of it," answered my friend, while his nose glowed with a brighter hue and a smile of pleasure illumined his rum-stained cheek. "Not a bit of it," he repeated, "it is the d—d-dest best thing you ever read; and we"—meaning the men of "good moral character," who were licensed to make drunkards —"are a-going to have a lot of them printed to circulate among the people. It's a boss speech, I tell you, and don't leave a

grease spot of you temperance fanatics. I'll be —— if it does."

I was considerably surprised at my friend's enthusiasm, and that a minister of our revered religion should have said anything on the subject of temperance that would meet with such hearty approval from him, and call forth so eulogistic a commentary, composed as it was of slang and profanity.

Verily, thought I, "the tree is known by his fruit," and what could a conscientious minister of the gospel have said that would meet the approval of men like my friend? What kind of a tree could he have planted in the name of temperance and morality that would bring forth such fruit as his drunken commendation?

"You must be mistaken, Fred," I remarked. "Surely no minister could have said what you *accuse* Chancellor Crosby of saying against temperance."

"No, I am not mistaken; not a —— bit! Here is the speech; I got it on purpose to give it to you;" and taking a soiled pamphlet from his pocket, he handed it to me. "Take it home," he said, "and read it, and you'll find that you're not a temperance man in any sense of the word, but just a —— fanatic on that subject, as I always told you you was. Old Crosby proves that temperance means to drink temperately, just as Christ and his Apostles did, just as I do, of malt and vinous liquors—not alcoholic, for you know I never drink anything but wines and malt liquors—and he says that 'the total-abstinence system is the cause of drunkenness in our land, and a general demoralization among religious communities.' Now what do you think of that?" he inquired, exultingly. And his bleared and watery eyes gleamed with a brightness that reminded me of the days of our boyhood, when he and I had been college chums and class-mates—long before he had laid his heart-broken wife under the trees in our cemetery by the side of his little children.

"Where did you get this lecture, Fred?" I asked as I took the soiled and beer-stained pamphlet from his almost palsied hand.

"Down at Charlie Stone's saloon," he answered. "Now read it, Al., and see if it don't open your eyes to all the d——n

you have been writing an l king for the last number
And remember," he re rk with emphasis, as he
way, "Old Crosby is a Pr y ian minister, a 'big
he Christian tan-yard, a knows what he is talking
e talks as if he understood the subject of vinous and
ers and their effects practically as well as theoretically.
od old man, and the license men ought to build him a
at."

ink so, Fred," I remarked, approvingly. "Let it be
rrel in bronze or marble, with a figure of a half-drunk-
us or Gambrinus astride thereon. Let the foundation
kard's grave, surrounded by the graves of his heart-
ife and children who died of want and starvation. Set
ument in the center of a pauper's grave-yard, and the
ness of things will be executed in detail, and with un-
truthfulness."

turned abruptly away. At the time I made the remark
think of the three mounds in our cemetery where the
lept by the side of his two twin babes, blighted in their
the hereditary taint of a father's vice.

and I had been classmates at college, warm friends and
during the early years of our manhood. He was a
arted fellow, generous and manly, fond of society and
l glass. He had inherited competence from his father.
n we started out in life together I would gladly have
ed my chance of success for his. Afterwards we were
dents of medicine in the same office and under the same
r.

s passed on. Fred married a beautiful girl who had
able property in her own right, and when the young
arted on their wedding tour, every one predicted of their
life of happiness and love. They spent three years in
ostensibly that Fred might complete his medical stud-
French and German schools. While in France he
to love wine, and while in Germany, beer—the two li-
proved of by the learned Chancellor of New York City,
that "*in light wines and beers we have alcohol best*

adapted for the beneficial effects of building up the tissu and supplying the warmth and vital force necessary for t body's functions." When the learned doctor asserted this a tounding theory—in view of the fact, now clearly establish by the medical faculty of the world, that alcohol when taken the stomach neither digests nor promotes digestion, and ther fore cannot assimilate in the human system and produce th effects he claims for it—we are forced to one of two conclusion Either that the doctor was ignorant of the effects of alcohol, " that he did not handle the truth with sufficient carefulness meet the demands of veracity."

For a few years after the return of Fred and his wife, h friends observed with pain and forebodings that he was t much addicted to "building up the tissues of his body and st plying its warmth and vital force" with beer and wine, and w fast becoming a drunkard.

They remonstrated with him in vain. In vain his alm heart-broken wife plead with him to totally abstain from t evil that was leading him towards the inevitable end. He t thought with the Chancellor that "total-abstinence was a mo error, and did not allow a free play to man's individuality," the Doctor's very words—and the pleadings of wife and frien were of no avail.

The diseased forms of his infants in the cradle, who had i herited the "assimilated" poison from their father's veins, every paroxysm of their pain and suffering gave the lie to th false and wicked heresy asserted by this man of learning— this "teacher in Israel"—and yet poor Fred would not believ that he was in danger of becoming a drunkard. And when h stood by the inanimate forms of his dead, and heard the earth falling upon their coffins, even then he justified himself to hi conscience for their murder, by whispering to his inward moni tor the foul and wicked falsehood that "*total abstinence is a moral error,*" *and that a pledge thereto* "*is a most pernicious instrument for debauching the conscience, and that it manufac tures a new sin.*"—See Crosby's lecture.

Years passed on, and poor Fred, in his attempt to "build

up the tissues of the body" had destroyed his moral and physical constitution, was a regular habitue of the wine and beer saloon, a confirmed drunkard, only to be saved by Dr. Crosby's "new sin," a "pledge of total abstinence," and this sin he must commit or die a drunkard's death and suffer a drunkard's immortality. And now I met this poor reeling wreck of humanity in the streets of his native town, within full of the poison that "in moderate quantities is entirely assimilated in the human system," and without fortified by a good man's sermon in his pocket, from which he justified himself for a life of drunkenness and debauchery.

As I took the beer-stained document from his trembling hand, I observed a peculiar odor arise from its well-thumbed pages. At first, from what I had heard of this literary curiosity, I imagined it emanated from the innate immorality and evil of the sentiments it contained, but on closer examination I discovered that the aroma came from its late and future inseparable companions, "sweitzer cheese and lager beer." And when after a careful perusal of this moral monstrosity I laid it down, I concluded that neither the moral nor the social law of the business of things had been in the least violated in its recent companionship.

Now permit me to take a "calm view" of this (in)famous lecture, from the standpoint of an old lawyer's observation. I am not a professed reformer of mankind, neither am I a teacher of morality, and since I have read the Chancellor's lecture I am more than thankful that I am not. I had formed such utopian ideas of the duties of a minister of the Gospel, and what the Great Master required of all the shepherds of His flock, that I was more than astonished at the lessons on temperance and morality inculcated in Tremont Temple January 10th, 1881, and it did seem to me that if the learned Doctor was a proper exponent thereof, then there would be no impropriety in the future in setting the wolf to guard the sheep-fold, or the vulture the dove-cot, for the lambs and the inmates of the nests would be as safe in such keeping as would be the rising generation of men under the influence of the teachings of the Christian ministry.

But let us be calm (according to the Chancellor's idea of the meaning of the word,) and proceed, though I am afraid that in the foregoing sentences I have indulged too much in the Doctor's native style.

But as his ideas of calmness are illustrated in a vituperative tirade against a great moral movement, and a vindictive onslaught on all temperance advocates who do not agree with him, in replying thereto I too will be calm, in the very liberal signification he has given to the word. Yet as he proposes to "carry the war into Africa" without an apology for so doing, as a denizen of that benighted country I propose to resist his invasion into my native desert. True, I am only a lawyer, and do not belong to that class of professional men to whom the world looks for lessons of morality, yet I believe that a plea for poor, fallen humanity would be as appropriate from my pen, as a tirade, stained with falsehood and error in every paragraph, and directed against total abstinence and its advocates, would be from the lips of a minister of the gospel.

I may not have the skill to clothe vituperative epithets in the smooth-fitting raiment with which the trained and cultivated Christian graces of the learned Chancellor has enabled him to dress his "calm view," but I will try to make myself understood.

The Doctor states, as the subject of his lecture, two questions: *First, will this plan of total abstinence be adopted? Secondly, ought it to be adopted? He then informs us that the first question is prudential, the second moral.* After a page of obscure logic and tinsel rhetoric, the Doctor arrives at his first argument, which is upon the meaning of the word temperance, and on this he expends much learning, considerable ingenuity, and a little Latin.

And yet, if the argument be true and the conclusions correct, what does it all amount to? The learned Doctor should remember that the prohibition question is not a controversy as to the legal signification of a term used in a statutory law whereby the franchises of a corporation may be increased or diminished. The rights of the citizens are not involved in the con-

struction that may be given to a word in the constitution, or "bill of rights." No, the principles advocated by the prohibitionists do not depend upon the literal meaning of the word temperance, nor yet even upon its generally accepted signification. "Is it better for the people that they totally abstain from intoxicating liquors?" is the question now agitating the public mind, and the answer thereto does not depend upon the meaning of a word. Does temperate drinking lead to drunkenness? and does drunkenness lead to immorality and crime? These are the questions involved in the issue, and to seek to evade them by a quibble as to the meaning of a word is what lawyers call pettifogging, and in our profession the man who does this is not called a chancellor.

Suppose that the word temperance does not mean total abstinence, as the learned Doctor contends—even admit that in the strictest sense a "temperate" man is one who gets intoxicated occasionally—what has that to do with the great moral question, "Is it not better for the man to totally abstain and not get drunk at all?" Why torture logic in a pedantic attempt to attack the shadow and not the substance of the issue?

Says the Doctor: "*The word temperance, as seized and appropriated by radical and intemperate souls, is a false flag, and will disgust and alienate true and enlightened souls.*" How so, most worthy teacher of sobriety and morality? It is not an idea conveyed in any word that we are contending for, but a stubborn fact. We assert that sobriety and industry are better for a people than drunkenness and vice, and if a common acceptation of the word temperance embodies that idea, even if it were an error in lexicology, what has that to do with the great issue? and why should it alienate true and enlightened souls like thine? Runs the current of your philanthrophy so shallow that it would be turned aside by so small a pebble as an error in the use of a word made by those who with you seek to benefit their fellow men? Nonsense! most worthy Chancellor, "thou art beside thyself: much learning doth make thee mad."

If then it be true, as you say, "that the word temperance has been violently wrested from its legitimate meaning, and

thereby a wrong label affixed to the goods," let us change the label, not the goods. The goods the prohibition party seeks, are the good of morality, the good of Christianity, and the good of mankind; and if the label "temperance" does not suit your educated taste, do not, I beg of you, let your "enlightened soul" be alienated from a cause that has so many goods in it, for so trifling a reason. You remember the dog in the fable of Æsop, who lost the substance in his silly attempt to seize the shadow.

"A third deception," says the Doctor, "is the twisting of Scripture to its advocacy." And here again the Doctor displays his erudition in attempting to prove that the wine referred to in the Bible meant "an intoxicating drink." Now I do not profess to be profound in Biblical learning, neither am I an expert in interpreting the more ambiguous passages of the Scripture; but there are a few which even a lawyer can understand. And in some passages where the word wine occurs in the sacred volume I have no doubt but that the Chancellor is correct: for instance, where the wisest of men said that "wine is a mocker," and that "whosoever is deceived thereby is not wise," and when he advised men not to look upon the wine when it is red, for "at the last it biteth like a serpent and stingeth like an adder." This was the opinion of the wisest ruler in Israel, a man to whom God had given wisdom until, as the sacred historian says: "The wisdom of God was in him." And this great man, in one of the first temperance lectures ever delivered to man asserts the theory of the prohibitionists, and advises men even "not to look upon the wine." Why? Because *at last*—i. e., when a temperate use thereof has begotten a diseased appetite—"it biteth like a serpent and stingeth like an adder." If there is no harm in a temperate use of wine, why did Solomon advise men not even to look upon it? Why shun it as they would the bite of the serpent? Why did he do this unless he meant to warn men of the inevitable end?—death by its bite and the sting of its poison.

But even great men will differ in opinion, and to-day a wiser teacher of temperance than Solomon is among us, and, as law-

[redacted]ers say, is "at issue" with Israel's renowned king, and it may be instructive for the reader to contrast the sayings of these great men. It might be humiliating to Solomon, it is true, but the poor misguided old man belongs to the dead past, to those distant times when the Creator talked with his servants face to face, and imparted to them as an especial gift a portion of his own wisdom; while, to-day, this man, wiser than Solomon, has discovered the fact that men may not only "look upon the wine when it is red in the cup," but that they may even drink of it up to that time when the appetite it begets is almost beyond control. Then, even *he* admits that they must stop or be guilty of the sin of drunkenness.

Solomon thought it was easier, and therefore better, to abstain even from looking at wine than to wait until a temperate indulgence had created a diseased appetite, and then attempt to control a longing that so many men have found to be uncontrollable. It is true that the good old man did not seem to think of the "unmanliness" of resolving not to do an evil, and fortifying that resolve with a pledge. But let us remember that he lived during the dark ages of the past, before it was discovered "*that we are to develop self-control as a cardinal Christian virtue*," and therefore must, by a temperate indulgence, first make that control most difficult before we attempt to govern our appetites and passions.

Surely the unlearned and unreflecting mind would think that to avoid the danger of a precipice, it is better to keep as far away from its perilous verge as possible. But Dr. Crosby thinks this "unmanly," and that it is better first to stand upon the very brink of its dizzy height, and then by self control avoid a danger which we need never have experienced.

And this last is what every temperate drinker does. Verily, is it not much easier to follow the advice of Solomon and "look not upon the wine," than it is to follow the advice of Chancellor Crosby, first to create an appetite by a temperate use thereof and then to subdue and conquer that appetite?

"An ounce of prevention is better than a pound of cure," says an old and trite maxim, and I most respectfully commend

it to the consideration of the learned Dr. Crosby, for I believe it is far better and easier to teach men to avoid temptation, than it is to control an appetite once formed by indulgence.

Knowing as we do the weakness of mankind, and their liability to commit "those sins that do so easily beset," if I could I would remove every temptation from the pathway of my fellow men. Then would the weak be saved as well as the strong. Then would the man whose passions and appetite when once aroused are beyond control, be as safe as he who has no desires to be conquered, no sinful lusts to subdue.

The Doctor farther says: "*We know, in the family, how mistaken a method it is to remove everything the child should not play with out of his reach. The wise parent leaves the article in its accustomed place and teaches the child its rightful use.*"

Oh, most sapient Chancellor!—did you really mean what you said when you made the above statement? Did you ever attempt to raise a family of children on that utopian theory? When you went from home did you never remove a knife, a revolver, a box of matches or a bottle of poison from their "accustomed place" to some more secure locality where it would be impossible for the little hands you loved so well to reach them? If you did not, and some accident had happened your little ones, your carelessness would almost have been an indictable offense. If you had not removed a loaded revolver from its accustomed place on the stand by your bedside, where it was placed in easy reach of your hand as a weapon of defense against the midnight burglar, if you had depended alone on your teachings to control childish curiosity, and on your return had found one of your children dead, because a dangerous weapon had been made a plaything by inexperienced childhood, would you ever have forgiven yourself for your carelessness? Would not the remaining years of your life have been embittered by the thought that a father's neglect of common prudence had almost made him a murderer of his child?

Remember that the minds of children are as varied in their intellectual capacities as are their youthful forms and features.

and the lessons and admonitions that are indelibly impressed on one infant mind, on another are as evanescent as the dew-drops on a flower; yet you would establish a fixed rule that should control all alike, and you would not, if you could, remove temptations from their pathway; but would depend on your teachings to induce them to avoid a danger which you could have easily removed with your own hand. Oh, shame! shame! on such a cold-blooded and unsympathetic nature. If you told the truth when you made that statement, the court, in the exercise of its chancery powers, should take your children from you and place them under the control of a suitable guardian, for you are as unfit to have the care of little children as your "calm view" has proven you to be an improper and dangerous teacher of temperance and morality.

You say that "*we are to develop self-control; a true civilization always seeks to do this; that men live in houses full of valuables and walk the streets unarmed and in security. Dependence is placed upon the common self-control, and it is acknowledged to be a far higher and more successful principle for the conduct of human life.*"

But what is it that causes this self-control but the prohibitory laws in our statute books? Ever since the world began mankind has been governed by prohibitory laws, either of God or man and by these laws only has crime been suppressed and man deterred from preying upon his fellow man.

From the hour of his advent in the beautiful garden to the present time, prohibitory laws have controlled man's passions and appetites, and but for those laws the weak would be at the mercy of the strong, and barbarism and savagery take the place of Christian enlightenment. The very first law given by God to man was a prohibitory law.

The Creator did not try to *persuade* man to obey his commands, but he said:

"*Of every tree of the garden thou mayest freely eat. But of the tree of knowledge of good and evil thou shalt not eat of it; for in the day that thou eatest thereof thou shalt surely die.*"

How strange it is that Adam's manhood did not rebel at this "mistaken method" of his Creator to control him but he must

probably had not read Dr. Crosby's "calm view," and did not know that he was degraded by being made the subject of a prohibitory law which told him most positively that he should not eat the fruit of a certain tree. Even this law with its severe penalty was not sufficient to control woman's curiosity, and for her sin our revered ancestors were driven from the garden. Yet a beneficent Creator, in his kindness to disobedient man, tempered the justice of expulsion from Paradise by the inestimable boon of woman's love; but from that day to this He has governed their descendants by prohibitory laws as stern and inflexible as the mandate: "The soul that sinneth shall die."

The learned Doctor makes this distinction—he says: "***We expect law to prohibit crime, but we look to law only to regulate matters that do not involve crime but contain risk under certain conditions. Now the selling or drinking of wine certainly is not a crime, and any legislation which prohibits it is open to the charge of putting it in a wrong category and abusing the popular conscience.***"

At the first thought, this argument appears to be sound and logical, but it is not. The premises are false and the conclusions erroneous. The law certainly does *prohibit* many "*matters that do not involve crime but contain risk under certain conditions.*" For instance, it is not a crime, *per se*, to point an unloaded gun or pistol at a person in a wanton, sportive, or playful manner; yet it is a crime—or misdemeanor—prohibited by law under severe penalties, because of the risk. So many have been injured by such careless acts that the law will not permit them. So with the offence of carrying "concealed weapons." Notwithstanding our constitutional right to carry arms for our defence, yet because of the "*risk under certain conditions*, the law prohibits it for the public good, unless the weapons are carried for self-defence; and even the most fanatical prohibitionist does not object to the use of alcohol in self defence, if the time should ever come when it is necessary to protect human life or health. Conveying nitro-glycerine or other explosive compounds through a town or city is not a crime in itself, but because of the "*risk under certain conditions*" it is prohibited by law, not regulated. So it is with

many other matters that do not involve crime but are dangerous to the safety of mankind. Why, then, may not the law prohibit the vending of alcohol along our streets and thoroughfares for the same reason? Let us remember that crime does not consist in a criminal act alone, for a man may be equally culpable who is not even present when the crime is committed, but is accessory thereto—and the law punishes the accessory as well as the principal. An accessory before the fact, as defined by Bouvier, is "one who is not chief actor in the offense nor present at its performance, but in some way *accedes to or becomes concerned therein.*"

Will the learned Doctor deny the fact that a great proportion of the crime committed in the country is caused by intoxicating drink? that four-fifths of the criminals charged with murder have perpetrated the crime while under its influence? that "killed in a drunken brawl," is a head-line that meets the eye on every page of our public prints? that the records of our criminal courts show conclusively that the use of intoxicating liquors greatly increases crime and the number of our criminals? Does not he, who sells the sale of liquor "become concerned" in the commission of criminal offences, and is it not accessory thereto? And is not the man who sells liquor with the full knowledge of the probable results, accessory to all the wrongs his liquor induces men to commit? Not by our present law, it is true, because that law licenses men to sell—but is not a man who thus sells morally guilty? Does not he tempt men to commit crime, when he places the cup in their hands, with a knowledge that those who drink will most likely perpetrate some criminal act? He may not design or wish that such an act shall be perpetrated. Neither does the workman who thoughtlessly throws a brick or lumber from the top of a building into a public thoroughfare, yet if a person be killed thereby, then is the workman guilty of manslaughter, although he was only careless, and did not do the act designedly. Now throwing brick or lumber off a building is "ordinarily not a crime," but if it be done by a man with a knowledge of the fact that it will be likely to kill a person passing along, then it is a crime, and is prohibited and punished most severely by the law; and that, too, when the dangerous material was not

thrown down for the purpose of gain, but for the mere convenience of the man who threw it, and whose carelessness caused the death of another.

Verily, if a man was employed to stand on an elevation and throw bricks into a traveled thoroughfare for the sum of ten cents apiece, and should only occasionally kill a person thereby, both he and his employer would be convicted of crime by our law, and the world would say that they "deserved punishment" therefor. Yet the government permits men to stand by the wayside and deal out to those who pass by a poison that is ever more dangerous than the falling bricks—that daily fills our morgues with their ghastly inmates, our prisons with the criminals and our scaffolds with murderers—yet a Christian minister thinks it not wrong, and that to pass a law prohibiting it "would be to degrade the race of man and remove all incentives to moral growth."

"No," says this moral teacher, "do not prohibit the throwing of the bricks into the public thoroughfare, but let the law regulate their size and weight, the material of which they shall be made, the distance and velocity with which they shall be thrown. Then men can show their manliness, the control they have over their bodies, and their skill as acrobats in dodging the flying missiles. But don't let the people 'commit a new sin' by pledging themselves never again to pass through that street until the law prohibits the bricks and punishes those who throw them; and even if some few men should be occasionally hit by the bricks and killed thereby, it would not be because of an error in the law, but the fault of those who were hit, and had not the ability to avoid the missiles thrown into a public thoroughfare."

The Doctor says that "*community will not unreasonably (as they think) be put into leading-strings and kept in a permanent nursery—and that, too, by men who use manifest falsehood as prominent arguments for their position.*"

Oh! most *calm* and Christian Chancellor! I would not presume to dictate to you the manner in which ministers of the gospel should conduct themselves in the discussion of a great moral question before the people. I know that my training in

The legal forum may not exactly qualify me to judge of what is proper or improper for them to say in such discussions. But I do know that if in our courts a member of the bar should accuse an opposing attorney with "using manifest falsehood" in the discussion of a case, "His Honor" would immediately arraign him for contempt, and he would be fined for being guilty of conduct unbecoming a gentleman.

But then, we are only lawyers, and may be unnecessarily sensitive and punctilious in our debates, and perhaps we do lack that "manliness" whose loss the good Doctor so much deplores in his "calm view." But let us remember that "where but little is given but little is required in return," and our profession cannot be expected to be as far advanced in the courtesy that belongs to Christian gentlemen as that class of "true and enlightened souls" among whom Dr. Crosby of late shines so brilliantly.

Among the members of the bar, when one of our number so forgets himself as to accuse another of "manifest falsehood," we call him a blackguard; but then, we are as yet undeveloped in the sphere of moral advancement, and have not quite reached that plane on which the Chancellor stands as firmly as if "his foot was on his native heath."

The Doctor thinks "the people will not be put in leading-strings, as they think unreasonably," meaning thereby that the people will not obey a law that they think unreasonably restrains them of their natural liberty.

When society was formed, and men congregated together in nations to be governed and protected by laws, they resigned their natural liberty for the benefits of civil liberty. One of England's greatest expounders of the law defines civil liberty to be "natural liberty restrained by human laws as far as is necessary and expedient for the common weal."

The power to establish the rules regulating the civil liberty of a people is delegated to a few who, acting in their legislative capacity enact certain laws, and these laws the people are bound to obey until they are repealed at their command; these laws do not depend upon the power of persuasion for the enforcement of their mandates. They are all prohibitory enactments:

for their violation a punishment is prescribed; and it is the fear of that punishment alone that secures their observance. And when a law is enacted that is for the public weal, to say that men cannot be compelled to obey it through the fear of its penalties, is what a lawyer would call a "manifest falsehood," and there is no man so ignorant as not to know it.

When the ancients embodied their idea of justice and law in the form of a beautiful woman, the bandaged eyes and scales equipoise indicated the impartiality of her decisions, the naked sword was an emblem of her power, and few there are who dare to defy it.

To the influence of this naked sword alone do we owe all the liberties we enjoy. 'Tis not our bars and bolts, nor yet the cunning device of the locksmith that protect our property or our persons from the midnight burglar or assassin, but it is the fear of the naked sword, and though unseen to the eyes of men, it is as potent in its restraining power as was the flaming sword of the cherubim in the morning of creation. And although there may be men who like Dr. Crosby think it "unmanly" to be restrained by law, yet a wholesome fear compels them to be obedient, or the bars of a prison secure society from the ebullitions of their manliness.

In the name of logic and common sense, where is the difference in the law that says "thou shalt not kill," and the legislative enactment that says "thou shalt not sell thy neighbor that which prompts him to kill"? Why cannot the latter be enforced as well as the former? And why, O most "enlightened soul" and reverend Chancellor, is it more unmanly to submit to the mandates of a law that prohibits temptation to crime, than it is to those that prohibit crime itself? If laws are not to be passed to "intimidate" men, and thereby compel obedience, because such obedience would be unmanly, then should the revered and ancient figure of justice be remodeled, and her naked sword replaced with the lath of a harlequin. Or, what would be more appropriate still, let her preserve her woman's form, with breast uncovered, offering the maternal font with persuasive smile to her erring, disobedient children; and for fear that even that might prove inefficient during an epidemic of crime, instead o

a naked sword let her hold in her extended hand a bottle of capacious dimensions filled with "pap," and doubtless many ministers of the gospel, and other "enlightened souls," might be persuaded to forsake the evil of their ways. But I am very much afraid that the scores of thieves and murderers that daily step from the licensed saloon to the prison and scaffold might think it unmanly in them to be thus persuaded by the kind old lady, and would reject her endearing efforts to win them to her lap and bosom. You see, doctor, all men are not constituted morally and mentally alike, and that which would persuade one to abstain from crime, would but induce the scoff and defiant oath of another.

The drunken desperado, who utterly disregards the laws of God, has a wholesome fear of the naked sword of justice, and it is that and that alone that restrains him.

In vain would be our efforts to persuade with well-worded precepts and pious maxims the man who is impelled by rum to the commission of crime. In vain would we attempt to fetter the maniac spirit of the legalized saloon and sa-loon, for when human passions are aroused by a diseased organism begotten by the "licensed curse," there is but one power that can control them, and that is the power that commanded the winds and the sea and they obeyed Him

And, oh, most learned interpreter of God's word, and expounder of the injunction in his so called prayer "to lead us not into temptation," I pray you to ponder well on what you have said, and the evil you have done in advocating those temptations that are the initial steps to a life of drunkenness and sin.

Remember that the ripening oat is but the offspring of the planted seed, that the avalanche commenced its career with but a handful of snow, while the tornado was born of a summer's zephyr; and that all the criminals who have suffered the penalty for crimes committed under the demoniacal influence of alcohol were once temperate men; that with you, they believed there was no harm in temperate drinking, and that as temperate drinking germinates the seed, accumulates the rolling snow, or gathers together the slumbering power of the summer wind, the diseased passions and appetites grew and increased in power until at last they became uncontrollable.

It is true that with many moral suasion is all that may be required to stay the downward course. The warning voice of the revered and loved has saved many a man from a drunkard's life and a pauper's grave. But it is not so with all, for many a wayward son, despite a mother's prayers, has followed the teachings of those like you—who think the temperance pledge unmanly—until remonstrance was of no avail, and they became powerless to resist an appetite formed by temperate indulgence. Many a sorrowing wife has watched, with breaking heart, a husband pursue the path you say is without danger, until the time came when neither love nor pride availed to stay the ruin that naught but your "new sin" could have prevented.

You admit that "great dangers must be met by great prudence," and yet you denounce those who with "great prudence" would remove the dangers of temptation from the pathway of their fellow-men, least the weak should fall even where the strong might stand erect. What, I ask you, is prohibition but the exercise of "great prudence amid great danger." What is it but a sanitary measure that would remove from among the people every cess-pool wherein are germinated the seeds of immorality and crime?

I tell you, most worthy doctor, if you permit the stagnant pool to remain in our midst until it germinates the miasmatic poison of disease, you cannot then close the nostrils of the public by moral suasion so that they will not inhale its deadly exhalations. They are borne upon the winds and are breathed imperceptibly by the unsuspecting all over the land, and none can tell when the healthy, life-giving atmosphere is changed into a noxious vapor which it is death to inhale. Is it not better, then, far better, as a sanitary measure, to prohibit the pool, and thereby remove all possible danger to the public who may unconsciously approach too near its poisonous waters? And by so doing would not "great danger be met by great prudence," as you advise?

In conclusion you say: "*I do not oppose the principles of total abstinence for the individual. Every man is at liberty to abstain if he will, and it is his duty to abstain if his conscience command it.*" That is: "That there is no general rule of

oral or social conduct, but every man and woman is to be overned by their own conscience." This would certainly be a ry unsafe rule. Men are as differently constituted in their oral nature as their physical, and, besides, conscience is very uch modified or moulded by education and the environments at have surrounded men from their infancy. The pupils of agin, the Jew, when they arrived at manhood would naturally ke a very different view of the criminality of certain acts from ose held by the graduates of the University of New York; hile Sikes, the murder—an accomplished professor in the school f crime—might conscientiously differ in opinion with a learned octor of Divinity as to what would be a temperate and what a intemperate indulgence in strong drink. The midnight rglar and the Christian gentleman would undoubtedly pursue different course of conduct under similar temptations; and yet ch might act in accordance with the dictates of his own con-ience. The Apostle Paul, in his Epistle to Timothy, speaks of hose "having their conscience seared with a hot iron;" and in is Epistle to Titus he says, "To the defiled and unbelieving othing is pure, but even their mind and conscience is defiled." nd here you will please observe that the very indulgence which ou would have men regulate by their conscience is of that kind hich depraves the man and "defiles his conscience," and it is herefore an unsafe monitor and guide.

Who does not know that indulgence in intoxicating liquor otally disqualifies conscience from acting as an unbiased judge? nd that often the "inward monitor" itself is drowned in the orrent of human lusts and passions which that indulgence be-ets.

In all the laws that govern men, either morally or in their usiness and social intercourse, there must be certain fixed and igid rules that will control all alike, and in the varied multi-nde of acts that affect our fellows, it would be a very unsafe ule that would permit men to act toward each other without ny other restraint than their conscience and its dictates. It s certain that the law does restrain us in many acts that are ot criminal in themselves, because the public weal is enhanced hereby, and long centuries of civilization have approved the aw and demonstrated its necessity.

And you "*earnestly and hopefully urge the temperance prohibitionists to consider their ways, and abandon a course which is only confirming the dreadful curse of intemperance.*"

Oh, most worthy teacher of truth and morality! Is it possible that you believe what you say in an assertion so "manifestly" untrue and absurd? Do you really believe that to dry up the source of a stream will only increase the flow of its waters? That to remove the cause will only increase the effect?

If the Upas was destroyed would it only increase the deadly exhalations in the valley of death? Paralyze the heart and would it only increase the flow of the life-blood through the veins and arteries? Do you pretend to say that the more the law proscribes and restricts, the more do men act in disobedience to its commands? Have the prohibitory commandments of God only served to increase the number of liars, adulterers, thieves and murderers? Have they only confirmed men in sin and iniquity? Is there no power on earth to prevent crime and abolish its cause by prohibitory laws? And would you have all those who seek to reform their fellow-men by removing temptations from their daily pathway "abandon their course," lest they only confirm them in their vices? If you do not mean this, what do you mean when you desire the prohibitionists to abandon a course which you say is only confirming the dreadful curse of drunkenness?

It is very difficult for an old lawyer to see clearly why a prohibitory law should increase the commission of the offense prohibited, or why an attempt to procure the enactment of such a law should have such an effect. It is exactly the reverse of our experience. We know that there was a time when the vending and manufacture of intoxicating liquor was unrestricted by law. There was nought to control its sale or use but the consciences of men, and yet, when only so controlled, it became a burden grievous to be borne, and had to be restricted by certain prohibitory laws, and as each successive law was passed it decreased its use, lessened the injuries it caused, narrowed the sphere of its pernicious influences, until to-day, by reason of those very laws and the public opinion which demanded them, the traffic in intoxicating liquor has become disreputable and contraband, and

the right to sell it is only granted to a favored few, who must be men of good moral character and temperate habits (?).

I have said that I do not pretend to be able to answer your Scriptural argument as learnedly as you have advanced it, but I do know that many learned commentators, "the latchet of whose shoes you are unworthy to loose," differ with you as to the meaning of the word wine where it occurs in the Bible.

WHAT BIBLE SCHOLARS SAY.

Rev. Dr. Adam Clark, in his Commentaries on Genesis xl., 11, says:

"From this we find that *wine* anciently was the mere expressed juice of the grape without fermentation. The *saky*, or cup-bearer, took the bunch, pressed the grape into the cup, and instantly delivered it into the hands of his master. This was evidently the *yayin* (wine) of the Hebrews, the *oinos* (wine) of the Greeks, and the *mustum* (new fresh wine) of the ancient Latins."

Parkinson, in his *Theatrum Botanicum*, written about A. D. 1640 (some years previous to the begetting and delivery of your "Calm View"), says: "The juice or liquor pressed out of ripe grapes is called *vinum* (wine). Of it is made both *sapa* and *defrutum*; in English *vute*; that is to say, *boiled wine*. The latter boiled down to the half, the former to the third part." (Bible Commentary, xxxvi.)

Dr. F. R. Lees, says:

"In the Hebrew and Greek Bible a dozen words, with their special meanings, are all hidden under the English terms 'wine' and 'strong drink'; and some of these words clearly and undeniably denote *unfermented* and *unintoxicating* wine. About sixty texts of the authorized version refer to wine (or what is supposed to be wine) with approbation, where the context shows or implies it to be a natural and unfermented product. Not more than fifty-two texts can be *proved*, by the context, to refer to *intoxicating* wine, and not one of these is connected with the Divine blessing. On the contrary, one-half of them describe it as evil, as a mocker, and a stupefier, or else *prohibit* it, either in general, or in special cases."

Dr. John J. Owen, in his Commentary, says:

"As wine was a common beverage in that land of vineyards in its unfermented state, our Lord most likely drank it."

Prof. Moses Stuart, says:

"'Facts show that the ancients not only preserved their wine unfermented, but regarded it as of a higher flavor and finer quality than fermented wine.' There is no ancient custom with a better amount and character of proof than this. . . . My final conclusion is this, namely, that whenever the Scriptures speak of wine as a comfort, a blessing, or a libation to God, and rank it with such articles as corn and oil, they mean—they can mean—*only such wine as contained no alcohol that could have a mischievous tendency;* that wherein they denounce it, prohibit it, and connect it with drunkenness and revelling, they can mean *only alcoholic* or *intoxicating wine.*

"If I take the position that God's *Word* and *works* entirely harmonize, I must take the position that the case before us is as I have represented it to be.

"What, then, is the difficulty in taking the position that the *good and innocent wine* is meant in all cases where it is commended and allowed; or that the *alcoholic* or *intoxicating wine* is meant in all cases of prohibition and denunciation?

"I cannot refuse to take this position without virtually impeaching the Scriptures of contradiction or inconsistency. I cannot admit that God has given liberty to persons in health to drink alcoholic wine without admitting that His *Word* and His *works* are at variance. The law against such drinking which he has enstamped on our nature stands out prominently—read and assented to by all sober and thinking men. Is His Word now at variance with this? Without reserve, I am prepared to answer in the negative."

Rev. James Smith, M. A., says:

"We submit upon the whole question that Scripture teaching cannot be held as sanctioning or commending any kind of intoxicating liquor, but rather the unfermented juice of the grape. The present wines of Jerusalem and Lebanon, as we tasted them, were commonly boiled and sweet, without intoxicating qualities, such as we here get in liquors called wines.

The boiling prevents the fermentation. Those were esteemed the best wines which were least strong."

Tayler Lewis, LL. D., says:

"Anti-temperance critics are fond of charging the zealous temperance advocates with perversions of Scripture and strained interpretations. This is doubtless true in some cases, but the fault is far more apt to be on the other side. The whole scope and spirit of a precept is often overlooked by the wine advocate, and some mere contrast or illustration (belonging not to the inspired heart of the passage, but to the necessarily imperfect human language in which it is conveyed, and to the imperfect human knowledge which is an inseparable accompaniment of such language) is elevated into all the dignity and authority of a *precept*, commanding us directly to drink wine, as though it were good *per se*—a duty, in fact, the neglect of which would be the slighting of the Divine beneficence. The much-talked-of sin *per se* of the other side, however strained and harsh it may sometimes appear, is far more sound and rational. Thus, for example, Proverbs xxxi. 6, 7, is taken by some as not only a perfect justification of wine-drinking as a common practice, but even as a command to do so in certain cases. When we look, however, at the whole passage, and study its spirit, we find it to be one of the strongest abstinence texts in the whole Bible."

Rev. Dr. Albert Barnes, in his Commentary on John ii. 10, says:

"The wine of Judea was the pure juice of the grape, without any mixture of alcohol, and commonly weak and harmless. It was the common drink of the people, and did not tend to produce intoxication."

Dr. G. W. Samson, says:

"The Egyptians and Hebrews had an unfermented wine as a matter of authorities from Moses, the historian and lawgiver, to Fuerst, the latest lexicographer, attest. . . . Modern investigation leads us to the conclusion that "*yayin*" was "*must*" or unfermented wine. This will appear [illegible] testimonies to this effect are numerous, and the study most effective—by the tracing of its Hebrew origin, of the cognate

Arabic of the Greek translation made about 300 years B. C., of the Talmud comments of the Latin version of Jerome, prepared about A. D. 400 years, and of several later versions."

Dr. Eliphalet Nott, president of Union College, says:

"That unfermented grape-juice was called wine is as apparent as it is that it was used as a beverage. It was not only called wine, but it was also accounted to be 'good wine.' . . . The juice of the grape in its natural state is either wine before fermentation or it is not. Be it, then, that before fermentation, though often called wine, it is not so, but merely something else out of which wine is made. This admitted, then all the commendations of the fruit of the vine previous to fermentation, with which the Bible abounds, *are not commendations of wine at all, but merely commendations of that out of which wine is made;* and all the condemnations of wine with which the Bible also abounds are condemnations of the fruit of the vine, not before but after fermentation, and are therefore condemnations not of that of which wine is made, but condemnations of the veritable article made — WINE ITSELF."

"Can the same thing in the same state be good and bad: a symbol of wrath and a symbol of mercy; a thing to be sought after, and a thing to be avoided? Certainly not. And is the Bible, then, inconsistent with itself? No, certainly."

In the foregoing brief extracts, I have given the opinions of a few of the great Biblical scholars of Christendom; men whose learning and lives of eminent piety have given them a prominence in the world of letters that you may profitably strive to attain. For many years they have been leaders in the cause of Christianity wherever the merits of the atoning blood of the Saviour has been preached to fallen man. Like beacon lights on the ocean shore, they have illumined the way of the Christian traveler, and directed the uncertain mariner to the haven he sought. The names of some of them are as familiar in the homes of the people as household words. Their opinions have been quoted and acknowledged from every pulpit in the Christian world, and yet, most learned and worthy Chancellor, you say, in your "Calm View," "there is not a *classical scholar* in

the world who dare risk his reputation on the assertion that *there* ever was an unfermented wine in common use, knowing *well* that *must* preserved from fermentation is called wine only *by* a kind of courtesy, as a lump of unbaked dough might be called bread."

Whatever weaknesses your friends may have discovered in your, certainly excess of modesty is not one of them. In view of your assertion and the opinions of the eminent clerical scholars whom I have cited — and they are but a few among a legion I might have quoted had I your learning — one can fully appreciate Sir John Falstaff's remarks to Prince Hal, when the prince asserted that he himself killed Percy, Earl of Worcester.*

It is evident that you have only seen the evils of temperate drinking from the limited standpoint of a minister's observation and "*ex necessitate rei*," your vision must be limited. The minister in his pulpit sees his congregation, morally and socially, dressed in their "best clothes;" their deportment their costumes put on for the day and the occasion. In your daily intercourse with your congregation it is much same. If you were to approach a group of gentlemen conversing in the street, your clerical garb would immediately check the profane oath and smother the unclean jest at its birth. To a minister in his intercourse with mankind, men may seem better than they are. But to a lawyer it is different. We see them in their everyday clothes, covered with the dust of trade as they crowd and jostle each other along the thoroughfares of the business world. In our courts we see them influenced by unbridled lust, uncontrolled passion and unbearable avarice. You see men at their best; we at their worst. You do not see the evils of temperate drinking as the lawyer does; you do not hear the siren songs that tempt men into the very embrace of the monster drunkenness. Could I relate to you even a portion of the experience of a life of nearly forty years in our courts, you would regret your "Calm View,"

*PRINCE HENRY — "Why, Percy I killed myself, and saw thee dead."
FALSTAFF — "Didst thou? Lord, Lord, how this world is given to lying."
Shakespeare, King Henry IV. Part 1, Scene 5.

as all good men must regret it. Could you have seen what have of the wretchedness and woe and crime whose primordi cause was temperate drinking; could you have heard even few of the tales of crime and sin I have heard in our courts a prison-cells from those made criminal through the wine-cup a beer-mug, your eloquent tongue would curse the evil you n sustain with such mistaken zeal and misguided energy. Y would burn every copy of your "Calm View" that you co find, and repent in sackcloth and ashes the wrong you h done to the cause of temperance and morality.

But as dogmatical as your assertions are on your Script views of the question, they are the very sublimation of and modesty compared with your physiological dogmas, wh you say: "*Beers and unbrandied wines are promoters of he and strength when used judiciously, especially by those who have not robust health; and that outside of the sick-room fermented liquors are comparatively harmless,*" etc.

Now, let me call your attention to the prominent medical authority of both this country and Europe.

WHAT THE DOCTORS SAY.

Dr. Benjamin Ward Richardson, says:

"Alcohol produces many diseases; and it constantly happens that persons die of diseases which have their origin solely in the drinking of alcohol, while the cause itself is never for a moment suspected. A man may be considered by his friends and neighbors, as well as by himself, to be a sober and a temperate man; he may say quite truthfully that he was never tipsy in the whole course of his life; and yet it is quite possible that such a man may die of disease caused by the alcohol he has taken, and by no other cause whatever. This is one of the most dreadful evils of alcohol, that it kills insidiously, as if it were doing no harm, or as if it were doing good, while it is destroying life.

"To the research I devoted three years, from 1863 to 1866, modifying experiments in every conceivable way, taking advantage of seasons and varying temperatures of season, extending observation from one class of animals to another, and making

ative researches with other bodies of the alcohol series
e ethylic or common alcohol.
he results, I confess, were as surprising to me as any one
They were surprising from their definiteness and their
ity. They were most surprising from the complete
iction they gave to the popular idea that alcohol is a
er and sustainer of the animal temperature.
That it is an entire fallacy to suppose that alcohol, in
its forms as intoxicating drink, is the gift of God to

. That if the habit of drinking intoxicating beverages
indulged, it is never felt as a want.
I. If this habit is indulged, the difficulties of throwing
e tenfold increased.
. You may further teach by history and example—but
better by example—that the hardest work, mental and
is best carried out without the stimulating effects of this
hich so many look to for support in all their labors.
. That alcohol has no claim, in a scientific sense, to be
ed as a sustainer either of bodily or mental life or

I. That in alcohol there is nothing that can build up
ue or supply any force.
II. That in approaching the subject of temperance, and
ing the uselessness of the most mischievous of all agents
the reach of men, you are promoting a good which ex-
eyond your own time."

following is from a declaration sent to the International
ance Congress at Brussels, Belgium, August, 1880, by
ncil of the "British Medical Temperance Association,"
ing in its membership upwards of two hundred leading
ns and surgeons of Great Britain, with Dr. B. W. Rich-
s president, and J. J. Ridge, M. D., B. S., B. A., hon-
ecretary:

ssing from the particular art of prescribing alcohol, to
rvation of the action of alcohol on persons generally—
to say, to its employment as a beverage—we are led to
owing conclusions:

"That alcohol cannot in any sense be considered as a necessity for the maintenance of healthy life.

"That it is not a food in any true and practical sense of that term.

"That labor of the severest kind, mental and bodily, can be carried on without it, and that the steadiest and best work is best done without it."

The International Medical Congress, Section on Medicine, held in Philadelphia, 1876, adopted the following conclusions concerning the use of alcohol:

"1. Alcohol is not shown to have a definite food value by any of the usual methods of chemical analysis or physiological investigation.

"2. Its use as a medicine is chiefly that of a cardiac stimulant, and often admits of substitution.

"3. As a medicine it is not well fitted for self-prescription by the laity, and the medical profession is not accountable for such administration or for the enormous evils arising therefrom.

"4. The purity of alcoholic liquors is in general not as well assured as that of articles used for medicine should be. The various mixtures when used as medicine should have definite and known composition and should not be interchanged promiscuously."

About two hundred physicians, surgeons, etc., of New York, Brooklyn, and vicinity, recently signed the following medical declaration:

"1. In view of the alarming prevalence and ill effects of intemperance, with which none are so familiar as members of the medical profession, and which have called forth from eminent English physicians the voice of warning to the people of Great Britain concerning the use of alcoholic beverages, we, the undersigned, members of the medical profession of New York and vicinity, unite in the declaration that we believe alcohol should be classed with other powerful drugs; that when prescribed medically, it should be with conscientious caution, and a sense of grave responsibility.

"2. We are of opinion that the use of alcoholic liquor as a beverage is productive of a large amount of physical disease;

that it entails diseased appetites upon offspring; and that it is the cause of a large percentage of the crime and pauperism of our cities and country.

3. "We would welcome anv judicious and effective legislation — State and national — which should seek to confine the traffic in alcohol to the legitimate purposes of medical and other sciences, art, and mechanism."

The American Medical Association also adopted substantially the above declaration.

Dr. James Edmunds, of London, says:

"It is admitted by every one that alcohol is the cause of more than half the insanity we have. I am not so familiar with the facts on this subject here as I should naturally be at the other side of the Atlantic. . . . It is a fact which cannot be disputed, that disease of the liver, disease of the lungs, disease of the tissues of the body, are induced directly by the use of alcohol, and that, as a general rule, you may say that where you have alcohol used most largely and most frequently there these diseases and degenerations in the tissues of the body become most marked."

Dr. Willard Parker, of New York, says:

"Alcohol has no place in the healthy system, but is an irritant poison, producing a diseased condition of body and mind. It has been demonstrated that the use of alcohol when employed moderately, as many young men often use it, as they think with impunity, makes the average of life thirty-five and a half, while that of non-users reached an average of sixty-four and one-sixth years, a difference of about twenty-nine years to each individual; a thousand individuals, 29,000."

Sir Henry Thompson, says:

"I have long had the conviction that there is no greater cause of evil, moral and physical, in this country than the use of alcoholic beverages. I do not mean by this that extreme indulgence which produces drunkenness. The habitual use of fermented liquors to an extent far short of what is necessary to produce that condition, and such as is quite common in all ranks of society, injures the body and diminishes the mental

power to an extent which I think few people are aware of. Such, at all events, is the result of observation during more than twenty years of professional life devoted to hospital practice, and to private practice in every rank above it. Thus I have no hesitation in attributing a very large proportion of some of the most painful and dangerous maladies which come under my notice, as well as those which every medical man has to treat, to the ordinary and daily use of fermented drink taken in the quantity which is conventionally deemed moderate."

Dr. N. S. Davis, of Chicago, says:

"The use of alcoholic drinks diminishes man's capacity to endure both mental and physical labor, increases his predisposition to disease, and shortens the average duration of life."

W. B. Carpenter, M. D., says:

"Alcohol cannot supply anything which is essential to the due nutrition of the tissues."

Albert Day, M. D., says:

"I have treated nearly seven thousand cases of inebriety, and eight-tenths of that number originated from wine and malt liquors."

Dr. CROSBY. I have quoted only a few of the opinions of the medical faculty in opposition to your oracular assertion made in the interest of the brewers and keepers of wine houses. I leave the public to judge of the accuracy of your statements on this branch of the question without further comment, and return for a moment to the biblical and moral questions involved in the issue.

Of course, being a lawyer, I confess my inability to discuss this phase of the subject with a chancellor who has made the sacred volume a life-long study; who, I presume, can read it in the original; yet I have so often seen expert witnesses in court testify erroneously in matters connected with their business or professions, that I approach the subject with less awe and perturbation than perhaps I should.

Your views of the habits of the Saviour and his disciples with regard to the wine-cup, are so opposed to the purity of

their lives, and the whole tenor of their moral teachings, that I mistrust your theology to be as erroneous as I know your scientific views to be.

"*Falsus in uno, falsus in omnibus*," is an old and trite legal maxim which you will fully understand. I have always looked upon the Bible as a book of laws given by God to man to instruct him in his duties towards his fellows, as well as to his Creator. And while some isolated passages may be ambiguous, or even susceptible of different construction, yet its general teachings are so plain that, in its own words, even a wayfaring man, though a fool, may walk therein and not err. The legal student learns from the first pages of our text-books that in interpreting a law reference must be had not only to the "*words*," the "*context*," and the "*subject matter*," but also to the "*effects and consequences, and the spirit and reason of the law.*" Applying these well-known rules of interpretation to the Scripture, that man is wise *only* in his own conceit, who does not see in the whole tenor of "God's Word" not only a positive prohibition against sin itself, but also against every thing that tempts man to its commission. Nowhere in the sacred volume are men directed to place themselves in the way of temptation that they may better qualify themselves to resist it. On the contrary, the Saviour enjoins his disciples to "*watch and pray lest they enter into temptation.*" All the Latin and logic of a learned chancellor are confounded by the simple sentence from Divine lips: "*Lead us not into temptation, but deliver us from evil;*" and the man who asserts that a temperate indulgence in fermented liquors, in beer and wine, is not a temptation that leads to all the crime and sin incident to drunkenness, lacks either truthfulness or judgment, and is ill qualified to teach the rising generation of men.

Alcohol is *alcohol*, whether born of the wine-press or the still-worm; and its evil effects are always the same under whatsoever guise it enters the human stomach and brain. In truth, wine is a more dangerous tempter to the *uncultivated* taste than any one of the distilled liquors, because it is more palatable to the young and inexperienced, and is admitted into a fashionable society where plebeian gin and whiskey would not

be tolerated. Wine has for its companions in the social world, silks, diamonds and chancellors, while distilled alcohol is generally associated with rags, wretchedness and criminals; but the taste born of the one grows into the other as certainly as that the planted acorn becomes a mighty oak.

But, chancellor, your argument has not even the merit of originality. It is as old as infidelity itself, and has been so often used by impious tongues that its falsehoods have been worn thread-bare. Isolated passages of the Scripture are often used to contradict the "*spirit* and *reason*" of God's law, and to justify the sinner in the indulgence of some favorite vice. Dr. Crosby is not the first man whose apparent longing has biased his logic and debauched his judgment.

A few years ago I met a prominent Mormon teacher—I do not know whether they have chancellors in Utah or not—but he used the Crosbyan logic to prove to me that polygamy was approved by God and sanctioned in His Word. He first asked me if I believed that the Creator was an unchangeable being in all his attributes? Of course, I answered affirmatively. He then proceeded:

"Don't you remember that when King David had committed his outrage upon Uriah, had stolen the wife and had the husband murdered in the front of the battle, God sent his servant Nathan to reprimand the king, and bring him to contrition and repentance? God spoke to David through the lips of Nathan and said: '*Thus saith the Lord God of Israel, I anointed thee king over Israel, and I delivered thee out of the hand of Saul; and I gave thee thy master's house and thy master's wives into thy bosom; and I gave thee the house of Israel and of Judah.*'"

"Now," he continued in the Crosbyan style of argument, "if God gave King David all Saul's wives, and if he is unchangeable, does it not prove conclusively that He approves of polygamy *to-day*, as he did when King David ruled in Israel?"

Most worthy teacher and exponent of God's Word, what say you to the argument? Is it not in your own happy style of reasoning? Where is the *non-sequitur?*

If because the use of wine was tolerated or sanctioned in the childhood of our race as a beverage for the people, it is to be approved now; why is it not so with the loathsome plague spot of polygamy? If you are determined to search for your models of human conduct in the dead past; if you are determined to clothe your moral being in the Roman toga or Jewish gabardine, then, for consistency sake, let your next "*Calm View*" be in favor of polygamy, for you will find much stronger authority in the Bible to sustain it than your present advocacy of temperate drinking. Or, "if you are determined," as Wendell Phillips suggests, "to wear your eyes in the back of your head," why not advocate the re-establishment of the institution of slavery? You will find abundance of authority for so doing in the Bible. Did not God say to His chosen people in the Levitical code: '*Both thy bondmen and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids. And ye shall take them as an inheritance for your children after you, to inherit them for a possession. They shall be your bondmen forever.*"

The logic of your "Calm View" would rivet the fetters on the slave with the Word of God. Did not the Apostle Paul instruct Titus to "*exhort servants to be obedient unto their masters?*" And was not the pious Peter's injunction, "*Servants, be subject to your masters with all fear?*"

The Saviour lived and performed His holy mission and died among millions of slaves, yet he never uttered a single denunciation against the institution of slavery; and do you find in these acts a logical reason why the Christian enlightenment and civilization of to-day should go back thousands of years, and polygamy and slavery be again established? Of course you do not. Your logic only applies to the wine-glass and beer-mug.

Verily, how prone are men to

> "Compound for sins they are inclined to,
> By damning those they have no mind to."

Infidels of every grade of wickedness, and sectarians of pie-ald theology, have often attempted to prove many and adverse theories from the Bible, and always the logic is the same. The *spirit* and *reason*, as well as the *effect* and *consequences* of the

Divine law, have been overlooked, and isolated passages have been quoted to sustain wrong and oppression. That law has often been expounded to give loose rein to lust and appetite; to sanction not only temptation to sin, but even the commission of crime itself; and in all these instances the general tenor and object of the law have been ignored and its spirit forgotten or willfully misrepresented.

The mistake you made in Tremont Temple is easily accounted for. You are the worthy head of a great educational institution; a man of influence in your particular sphere of action, yet apparently as inexperienced as a child in the ways of the outside world. In the position you occupy you are accustomed to utter your opinions and pronunciamentos without fear of contradiction by those who hear them. Your theories are uncontroverted, and your dogmas undisputed by your pupils. This has given you an undue confidence in yourself. You forget the fact that a person may be a great man in his own little world, while he is only of medium size in the great world around him; as Gulliver was a giant among the Lilliputians while he was only a pigmy among the Brobdignagians; and when like Jupiter from Mount Olympus, you hurled your thunderbolts from the pulpit of Tremont Temple at the world of temperance reform, you were doubtless astonished, if not flattered, at the result. Unscorched and unscathed, the prohibitory party survive your onslaught, while you yourself are an object of commiseration to the great and good, and are only applauded by the low and vile.

Should you continue to hold the position you now occupy as an instructor of the rising generation of men — in the name of all the praying mothers and Christian fathers in the land I beg of you to keep your "Calm Views" away from your pupils as you would any *other* pages of the poisonous literature of the day. For their own welfare, and for the sake of those who love them, do not teach those entrusted to your care that it is proper and right for them to drink temperately of wine and beer. Do not sow in the fair fields of youth and inexperience the seed that may germinate and grow into a harvest of ruin and crime. As their instructor and advisor teach them to shun temptation as

tep on the road to Avernus; point out to them this
Virgil, and expound its hidden meaning:

> "Facilis descensus Averni:
> Noctes atque dies patet atri janua Ditis:
> Sed revocare gradum, superasque evadere ad auras,
> Hoc opus, hic labor est."

and long after you are dead your memory will be dear
whom you guided in youth to a life of temperance
dity.

most worthy Chancellor, I am nearly done, and if I
anything that I shall regret in the future I am sorry
d make this humble apology, fearing that I may have
ended your "Calm View." But if I have, there is a
ss of people in the country who seem to understand
eciate it most fully. You have the satisfaction of
that your lecture has met with the hearty approval of
ewers, liquor manufacturers and dealers in the land.
lay you are the most popular man among them, on
inent. In every drinking-house, beer-saloon, rum-
brothel, the "great *sermon*" of a Christian minister
d and quoted in justification of the use of intoxicat-
rs as a beverage; incidentally making you an accessory
vice and crime it begets. From the highest to the
these dens of vice, and in all the sphere of their wicked
, the name of Chancellor Crosby, of New York City,
liar as is the ribald song, oaths and profanity that form
ulary of sin in these polluted precincts. And to-day,
ot a Christian mother in the land but would hide from
of her son the printed copies of your lecture, now cir-
y the whiskey dealers, with as much solicitude as she
vile and obscene literature whose publication is pro-
y law. There is not a father in the land who mourns
railties of a wayward son but would fear the influence
alm View" would exert over one in whom temperate
was fast creating an appetite that so few are able to
nd should you live to twice the length of man's allot-

---

scent of Avernus is easy; the gate of Pluto stands open night and day;
e one's steps and return to the upper air—that is the toil, that the dif-

—*Virgil, No.* 14, *page* 355.

ed period, you will never hear your lecture quoted in church or Sabbath-school as a guidance to the footsteps of the young and inexperienced, while in every grog-shop, for long years to come, it will be approved with profanity, while drunken commendation will be "hiccupped" in its praise long after your many virtues are forgotten.

In proof of this fact, I copy an article from the Chicago *Brewer*, a paper devoted exclusively to the interest of the liquor manufacturers, and that very large class of licensed dealers who, like parasites, cling to the body politic of our country, and fatten on its corruption:

"DR. CROSBY'S GREAT SERMON—ONE MILLION COPIES TO BE CIRCULATED.

"Brewers! the fanatics are closely at your heels, banded together in every State like a pack of wolves. In nearly every legislature, the past winter, prohibitory amendments in the organic laws have been pressed to a vote, and in several large brewing States they have only failed to become laws by one or two votes. This was the case in Missouri, Wisconsin, Nebraska and other States. The defeated enemy, like the militant church of which they are an advanced guard, will renew the attack next winter with fresh reinforcements.

"The fanatics have flooded the country with their temperance literature, in which they have willfully mis-stated facts and misquoted Scripture. The National Temperance Association last year circulated 80,000,000 pages of temperance literature at a cost of $78,000. They put it into the schools, into the families, and everywhere that it would possibly be read. They are thus rapidly and surely educating the masses of the people to their false theories and Puritanical intolerance, with the avowed purpose of driving out all malt liquors and closing every brewery.

"Brewers, you must meet this mass of temperance literature with solid and convincing arguments or your trade in a few years will be ruined. In this issue of the *Western Brewer* we have folded a supplement containing the grand sermon of the great Presbyterian Chancellor, Rev. Dr. Crosby, on 'Temperate Temperance,' which he recently delivered in Tremont Temple, Boston. This sermon should be read by one million people, and you must see that it is widely circulated.

"To this end we have prepared to print one million copies of this great sermon, if the *trade* will take them and circulate them, each in his respective neighborhood.

"We are prepared with stereotyped plates to print one million copies of this sermon. Put them in every store, office, and business place in your town, and into all your saloons and gents' hands for distribution. They will be read. Public feeling will be awakened on the temperance question, and people will begin to see that it has two sides, and that the brewers are not pursuing a nefarious calling, as the fanatics say.

"Is it not about time, brewers, that you woke up and had something to say for your side to the masses of the people? You can afford to circulate this sermon. If you cannot afford to circulate ten or twenty thousand copies of it, send your order for five hundred, or as many as you can distribute in your vicinity. Every copy will be read by ten persons on an average, and if we can in this way put out one million copies it will reach ten million people. Its circulation is worth more to you than money in government bonds, and will bear better interest."

Dr. Crosby, you are a stranger to me, but I am informed that you are a man of great learning, undoubted piety, and have always been considered a friend to the cause of temperance, and that notwithstanding the "ear-marks" of your "great sermon," that you are actually a Christian gentleman. If this be true—and I do not doubt it—do you not think you have made a terrible mistake in thus aiding and abetting our common enemy? Does it not pain you to think that your lecture and the sentiments therein contained have been so strongly disapproved by the Christian press and ministry all over the country and so strongly approved by the brewers and liquor dealers? Were I a minister, and should I preach a sermon that would please all the sinners out of my congregation and displease all the Christian members in it, I should be very much afraid that there was a mistake in my theology somewhere. As a lawyer, I should so argue a cause for the plaintiff as to please the defendant and his friends, while my client disapproved of all I said, I am afraid the people would think that though I was employed on the one side, yet that I had been *fee'd* on the other;

at least I should doubt that I fully understood my client's ca[illegible]se.

It is said that the celebrated lawyer, Tom Marshall, of K[illegible]entucky, was once employed by a plaintiff to prosecute his c[illegible]se. After the testimony had closed, the court adjourned for din[illegible]er. In view of the arduous task before him, the great lawyer, as [illegible]was his habit on some occasions, "built up the tissues of his b[illegible]ody and its vital forces," after the approved method of Dr. Cr[illegible]by, to such an extent that when the court opened in the after[illegible]on he had forgotten on which side he was employed, and whe[illegible]he arose to address the jury, as the defendant's evidence had [illegible]en the last called it was the most vividly impressed on his reco[illegible]lec-tion. For a half an hour the great lawyer argued the [illegible]ase against his client with eloquence and learning, when his a[illegible]on-ished colleague touched him on the elbow and whispered i[illegible]his ear: "Tom, you are arguing the wrong side—you are for [illegible]the plaintiff, not the defendant." Tom paused, looked at hi[illegible]be-wildered and astonished client for a moment, then turnin[illegible]to the jury, with solemn gravity he said:

"Gentlemen of the jury: What I have said will most pr[illegible]ob-ably be argued to you by the learned counsel for the defe[illegible]nce when it is too late for me to answer him. And knowing t[illegible]hat he would do it in the heat of partisan zeal, as an attorney w[illegible]ho is anxious to win his client's cause, and that he might color [illegible]or misrepresent the testimony in the heat of argument, I thou[illegible]ght it better to present to you a 'calm view' of his case, that y[illegible]ou may see how easily it can be demolished by a proper understan[illegible]nd-ing of the evidence and the law when correctly applied thereto[illegible].o."

Whereupon Tom proceeded to annihilate his "calm view[illegible]w" with great eloquence and irresistible logic—just as I have [illegible]no doubt Chancellor Crosby could do if his attention was on[illegible]nce called to the fact that by mistake he had got on the wrong si[illegible]ide of the case.

After the trial was over, and Tom had obtained a verdict, [illegible]he remarked to his colleague: "Dick, I thought when I co[illegible]m-menced to argue that case, that there was a 'screw loose' som[illegible]e-where, but I could not tell where it was until you interrupte[illegible]d me, and then I saw that I had been talking the d——st kind [illegible]of nonsense for half an hour."

E OF THE TEMPERATE DRINKER TOUCH-ES THE HEEL OF A DRUNKARD.

TS OPINION OF CHANCELLOR ROSEY'S "CALM VIEW."

"What will not woman, gentle woman, dare
When strong affection stirs her spirit up?"
—*Southey.*

"Ah, gentle dames! it gars me greet,
To think how mony counsels sweet,
How mony lengthen'd sage advices,
The husband frae the wife despises!"
—*Burns.*

"Is't not enough, plagues, wars, and famines rise
To lash our crimes, but must our wives be wise?"
—*Young.*

D——— was a prominent [illegible] stern Pennsylvanian. He was [illegible] able of all earthly possessions, [illegible] id beautiful young wife. He [illegible] ge on the most fashionable [illegible] wife occupied a prominent [illegible] er of the little world of [illegible] peted by all who aspired [illegible] mong her female associates [illegible] ier great beauty, and [illegible] ize and [illegible] over the [illegible] Mrs. Nellie D——— [illegible] arms of [illegible] ak [illegible] at [illegible] n, [illegible] the [illegible] n the [illegible] [illegible] red [illegible]

of the man: or, dropping painted phrase and hyperbole for
dorned narration, Will had acquired a fast-growing appetite
drink, and greatly relished a gin cocktail after dinner and
randy smash before supper.

Like many other gentlemen who are ashamed to have the
ublic know that they drink, he labored under the hallucination
hat the scent of half a pint of nastiness when turned into the
stomach could be concealed by a few cloves or cardamom seeds
and when his wife met him at the door and welcomed him with
a kiss, he firmly believed that though his "sins were as scarlet,
yet that they appeared white as wool," and that the vile odor
a brandy smash was effectually concealed beneath the aroma
seeds and pastilles. It is most astonishing how general is this
belief. On the counter of every fashionable drinking saloon in
the country is placed a dish of cloves or burnt coffee, that
gentlemen who drink may preserve their respectability in
attempts to conceal their fetid breath from the outside world,
and every such dish is a tribute of respect to the temperance
cause; an acknowledgment that "*We* are ashamed of our habit
and would conceal it if we could." The curse of strong drink
would not be so bad if the neophyte could only leave the sequel
of his indulgence in the polluted precincts of the saloon or
"sample room." But it is not so. The odor of its poison clings
to the breath and person as the sinful influence of inebriety
taints the moral and intellectual being.

Nellie had observed the first faint evidence of her husband's
failing. At first she passed it by without remark. Then, as it
became more frequent, she remonstrated gently with him, and
at last, as her fears increased, she added tears to her en
treaties, but all in vain. Will could not see the danger of ter
perate drinking, and did not observe the growth of his appeti
He was as blind as Chancellor Crosby, and excused his in
gence to himself by the learned Doctor of Divinity's mod
reasoning. He too believed that alcohol in reasonable qu
ties was good "to build up the wasted tissues and exhaust
tal forces of the body," and was healthful when indulge
a moderate extent: what constituted a reasonable or a m
use he had not as yet fully determined—a few months be

ght one or two drinks per day was all that nature demand-
ut now he was of the opinion that four or five would not
excess of her requirements.

> "Little by little, yet sure and slow,
> To a drunkard's life, and fate of woe
> Little by little he was led along
> By circean cup and siren song."

n afternoon, when on his way home, he stepped into his
ite resort to get his evening drink. On the counter of the
e saw a pile of printed pamphlets, and as the bar-tender
ered the called-for drinks to his customers, he handed each
a copy of Chancellor Crosby's "Calm View," which was
ed for circulation by the *Brewers' Association* of Chicago.
There," said the dispenser of liquid crime and sin, as he
ed a copy to Will, "there, take that home and read it.
est the d——dest best thing you ever read. Old Crosby a
sible man. He talks as if he knew what was what. He
e is no cant or humbug in that head of his. He's a terror to
emperance fanatics. I tell you he is a terror. He's the best
fraws the claret every blow. I'd like to see the temperance
cher that would come to the scratch against him. If that
dn't make him groggy on his pins at the opening of the
irst round, I'm a Christian! You can bet your
."

Will took the sermon of a great Christian divine from the
s of the bar-tender who had enlightened him with his
d from behind the screen into the outside world. As he
d out of the saloon he saw copies of it in the hands of a
ber of customers seated at the tables in the room, with whom
ng it between drinks, and approving of it in the strongest
s of profane commendation. Will's curiosity was aroused
ondered what kind of a sermon it was that a Christian
ster could preach that would be distributed from the bar of
nking saloon, and that would excite such universal and en-
astic approval from its habitues. As he walked homeward he read some of its paragraphs and smiled in unison at its confirmation of his own views. "It is true, as to
" he remarked emphatically, "a temperate amount of

quor is good for the system.' I always feel better after I have taken a *moderate* drink. I will take it home and give it to Nellie to read. I wonder what the dear little woman will say to it. I think it will convince her that, as I always told her, there is no harm in temperate drinking."

Will had been so surprised at what the bar-tender had said that he had forgotten to take the usual precautions, and the scent of the brandy smash pure and undefiled by cloves, cardamom or coffee, was on his breath when he saluted his wife's pure lips with the usual kiss, and his sin was too apparent for concealment.

"Oh, Will!" she exclaimed, more in sorrow than in anger, "you have been drinking again;" and she burst into tears.

The husband was shocked at her grief; he idolized his beautiful wife, and her tears were almost as potent an argument to convince him that he had done wrong as the Chancellor's lecture was that he had done right, and had but followed the example of the Saviour and his disciples. But there is a potency in the tears of a beautiful woman that few men can withstand.

> "Oh! too convincing—dangerously dear—
> In woman's eye th' unanswerable tear!
> That weapon of her weakness she can wield,
> To save, subdue—at once her spear and shield."

"Look here, Nellie," her husband remarked, in tones of affection, "I want you to read this sermon of a great Christian minister on the subject of temperate drinking—or I will read it to you this evening after tea."

The face of the devoted wife brightened through her tears; she was delighted, not only that her husband would remain at home with her that evening, and not go down town to attend lodge meeting, or to see that inevitable man on business; and, besides, he was to read her a "*sermon by an eminent Christian minister on temperate drinking*," and in her innocent mind there could be only one view taken by a minister on the subject that now interested her so much. Of course the sermon must be in accordance with the teachings of God's word, and therefore must denounce temperate drinking as an evil that tempted men to their ruin. "Oh!" she thought, "if dear Will will only listen to its precepts and break off that terrible habit, I shall be

the happiest woman living. It may save him from becoming a drunkard. Yes, God's word may prevail even where the love of a wife is of no avail." The thought dried her tears and illuminated her face with joy.

The supper over, Will in slippers and dressing-gown—Nellie looking more lovely than ever in her happiness—a table covered with all the indescribable paraphernalia of woman's tasteful labors, formed a beautiful picture of an elegant, happy home.

Will commenced to read "A Calm View of the Temperance Question, by Chancellor Crosby, of New York; an address delivered in Tremont Temple, Boston, Jan. 10, 1881."

"Why, Will," said his wife, in a tone of pleased surprise, "I am acquainted with Dr. Crosby; I heard him preach a number of times when I was visiting home in New York. He is a very able and pious minister—a most excellent man."

"I am very glad to hear you say so," replied Will. "What he says will have more influence with you. Now, listen."

Will continued to read. He had finished the third paragraph when he cast a side long glance at his wife, who sat gazing at her husband with a look of mingled astonishment and incredulousness on her countenance, which increased in intensity as he read, until he came to the sentence:

"*A second reason why I believe the plan of total abstinence will not be adopted by the people is its unmanliness.*"

"Stop, Will," said his wife, in a voice trembling with emotion. "Dr. Crosby never wrote that; he never uttered that sentiment in his life. Why, I know that he is a prominent temperance man, and he never said that total abstinence was unmanly! He is a teacher in a great university in New York City, and do you suppose he would teach the young men under his charge that it was unmanly to abstain from the use of wine and beer? or in other words, that it was manly to drink them? Do you suppose that parents would send their sons to a school where the principal would teach them such a wicked lesson, which, if followed up by his pupils would start many of them on the road to a drunkard's life of shame and crime? How can you believe such nonsense, Will? He never wrote it!"

"Well, it's here all the same, darling," replied the husband, almost overwhelmed by the earnestness of his wife's denial, "and he did both write it and say it publicly in Tremont Temple."

"I don't believe it, Will," replied his wife, vehemently. "It's both silly and wicked to say that the Saviour and his disciples were wine bibbers, and that wine and beer should be used by the people as a beverage, leaving every one, young and old, inexperienced youth and mature manhood, to be governed alone by their consciences in its use. Why, it would make a world of drunkards. If men's consciences were not seared as with a hot iron they would be drowned in wine and beer, and would become very unsafe monitors. But where did you get that lecture? Who gave it to you, Will?"

"Oh, I got it down town. A friend of mine gave it to me, and I brought it home to read to you, to show you how wrong the temperance fanatics are in trying to prohibit the use of liquor by law, and to convince you that—"

"Convince me!" interrupted the wife, in a contemptuous tone. "Oh, Will, don't think you can convince me that temperate drinking is right, by reading to me such insufferable trash as that. It would convince no one unless its false logic was supported by an already depraved taste. The drunkard, already on the downward road, might find some comfort in what you have read to me, and if he was drunk enough, he might appreciate its arguments. My dear husband, the one who gave it to you was no friend; he only did it to encourage you on the road to ruin. Who was he? I insist upon knowing who that false friend was that I may despise him as he deserves."

"Why nonsense, Nellie!" said the husband, soothingly. "Don't get so excited. Wait till I read all of it to you. It is a very able lecture."

"I'll hear no more of it," said Nellie, firmly, "and I insist on knowing who gave it to you."

"Well, Sam Smith, the bar-tender at the Excelsior saloon, gave it to me," said Will, hesitatingly.

"Your friend," said his wife, in a sarcastic tone. "Sam

Smith, the bar-tender of a drinking saloon, a friend of my husband! and he gave you this miserable libel on the name of a Christian minister? Let me see it a moment, Will."

The husband had never seen his wife angry before, and as her eye sparkled with an unusual fire, and the blood receded from her pallid face to her aching heart, he regretted that he had ever undertaken to convert her to the Crosbyan theory.

He placed the pamphlet in her trembling hand and watched her closely while she hastily scanned its pages. A moment and she turned to him with a flashing eye. "It is a falsehood," she said, "so good a man never wrote so wicked a *thing* as that," and she flung the offending "Calm View" in the fire.

"Oh, Will," she cried, in tones of agony, "you do not believe what it says. You will not break my heart by following its teachings. Temperate drinking, as you well know, led my dear brother to a drunkard's death, and laid poor old mother's gray hair in sorrow in the grave. And oh, my dear husband, I fear it is ruining you. May God help me if it is so, for I shall die."

Here her criticism of Chancellor Crosby's "Calm View" was interrupted by a flood of tears. When she became more composed, the question of temperate drinking was freely discussed between the husband and wife, and could the Rev. Doctor have heard all that was said by the wife to counteract the poison of his lecture, he would himself have distrusted the effects of the most unfortunate act of his life.

Weeks passed on and Will was more careful. He "*built up the tissues of his body and renewed its vital forces*" on his way to his store instead of on his return homeward. For some time his kisses no longer betrayed him. Yet his watchful and anxious wife occasionally detected a suspicious odor of cloves and burnt coffee on his breath. Long and well she pondered over his danger, and finally she *resolved*. What that resolution was no one knew but herself and her Creator, to whom she appealed in prayer to assist her in her efforts to save her husband, who was now crossing the invisible line between temperate drinking and habitual drunkenness.

One day, leaving Will to enjoy his after dinner dessert, she

at least I should doubt that I fully understood my client's cause.

It is said that the celebrated lawyer, Tom Marshall, of Kentucky, was once employed by a plaintiff to prosecute his case. After the testimony had closed, the court adjourned for dinner. In view of the arduous task before him, the great lawyer, as was his habit on some occasions, "built up the tissues of his body and its vital forces," after the approved method of Dr. Crosby, to such an extent that when the court opened in the afternoon he had forgotten on which side he was employed, and when he arose to address the jury, as the defendant's evidence had been the last called it was the most vividly impressed on his recollection. For a half an hour the great lawyer argued the case against his client with eloquence and learning, when his astonished colleague touched him on the elbow and whispered in his ear: "Tom, you are arguing the wrong side—you are for the plaintiff, not the defendant." Tom paused, looked at his bewildered and astonished client for a moment, then turning to the jury, with solemn gravity he said:

"Gentlemen of the jury: What I have said will most probably be argued to you by the learned counsel for the defence when it is too late for me to answer him. And knowing that he would do it in the heat of partisan zeal, as an attorney who is anxious to win his client's cause, and that he might color or misrepresent the testimony in the heat of argument, I thought it better to present to you a 'calm view' of his case, that you may see how easily it can be demolished by a proper understanding of the evidence and the law when correctly applied thereto."

Whereupon Tom proceeded to annihilate his "calm view" with great eloquence and irresistible logic—just as I have no doubt Chancellor Crosby could do if his attention was once called to the fact that by mistake he had got on the wrong side of the case.

After the trial was over, and Tom had obtained a verdict, he remarked to his colleague: "Dick, I thought when I commenced to argue that case, that there was a 'screw loose' somewhere, but I could not tell where it was until you interrupted me, and then I saw that I had been talking the d——st kind of nonsense for half an hour."

THE TOE OF THE TEMPERATE DRINKER TOUCHES THE HEEL OF A DRUNKARD.

A WIFE'S OPINION OF CHANCELLOR CROSBY'S "CALM VIEW."

"What will not woman, gentle woman, dare
When strong affection stirs her spirit up?"
—*Southey.*

"Ah, gentle dames! it gars me greet,
To think how mony counsels sweet,
How mony lengthen'd sage advices,
The husband frae the wife despises!"
—*Burns.*

"Is't not enough, plagues, wars, and famines rise
To lash our crimes, but must our wives be wise?"
—*Young*

WILL D——— was a promising young merchant in a little city in western Pennsylvania. He was the sole possessor of that most desirable of all earthly possessions, an intelligent, accomplished and beautiful young wife. He lived in an elegant vine-clad cottage on the most fashionable street in the city. Husband and wife occupied a prominent position in society, and were leaders in the little world of fashion where they lived. Will was esteemed by all who knew him, while his wife was as popular among her female associates as could be expected, considering her great beauty, the superior elegance of her wardrobe and the size and brilliance of the diamonds of her trousseau. Envy is ever the foe of friendship in this selfish world, nevertheless, Mrs. Nellie D——— was universally admired for her many charms of mind and person. She loved her husband with a feeling akin to adoration, and, in a general sense, he was worthy of that love; an Adonis in person, genial and generous in disposition, returning the affection of his wife with all the ardor of an affectionate heart, it seemed as if nothing could have clouded the sunshine of their happiness. Yet there was a tempter in their Eden that needed not the spear of Ithuriel to detect. Unlike the hideous reptile of Milton's "Paradise Lost," it whispered not in the ear of the woman, but it poisoned the

the names of the *dramatis personæ*. The husband to-day is an active worker in the temperance cause; his wife a happy mother, blessed in the love of her husband, and yet more blessed in the thought that she was an instrument in the hands of God in rescuing him from the baleful influence of the teaching of a worthy Christian minister.

This incident suggests the inquiry: If Chancellor Crosby's theory is true, if alcohol, developed by fermentation, is necessary, or even conducive to health, why should women be deprived of its benefits by an arbitrary and misguided public opinion? why should not women visit the licensed sanitariums of the country? why should they be excluded from the "sample rooms" of our places of public resort? why should they not be permitted to "build up their vital forces and the wasting tissues of their bodies" by the same means that the law has provided for men? why does society place a ban upon the custom of temperate drinking by women when Dr. Crosby has so clearly proven that it is good for men(?)

But it is not true that the temperate use of alcohol is beneficial in any degree. The medical faculty of the world deny it; the experience of mankind denies it; it is the first station on the road to both moral and physical ruin. On that road THE TOE OF THE TEMPERATE DRINKER TOUCHES THE HEEL OF THE DRUNKARD; and in the end they both reach the same goal—A DRUNKARD'S DEATH AND A PAUPER'S GRAVE.

ught one or two drinks per day was all that nature demand- but now he was of the opinion that four or five would not in excess of her requirements.

> "Little by little, yet sure and slow,
> To a drunkard's life, and fate of woe;
> Little by little he was led along
> By circean cup and siren song."

An afternoon, when on his way home, he stepped into his orite resort to get his evening drink. On the counter of the he saw a pile of printed pamphlets, and as the bar-tender ivered the called-for drinks to his customers, he handed each a copy of Chancellor Crosby's "Calm View," which was nted for circulation by the *Brewers' Association* of Chicago. "There," said the dispenser of liquid crime and sin, as he ided a copy to Will, "there, take that home and read it. jest the d——dest best thing you ever read. Old Crosby is ensible man. He talks as if he knew how it was himself. ere is no cant or nonsense in that lecture. It's a stunner to temperance fanatics, I tell you; hits them above the belt l draws the claret every blow. I'd like to see the temperance acher that would come to the scratch against that; if that ildn't make him groggy on his pins and throw up the sponge first round, I'm a Christian! Ye can bet yer sweet life on t!"

Will took the sermon of a great Christian divine from the ids of the bar-tender who had eulogized it so highly, and sed from behind the screen into the outside world. As he sed out of the saloon he saw copies of it in the hands of a nber of customers seated at the tables in the room, who were ding it between drinks, and approving of it in the highest ns of profane commendation. Will's curiosity was aroused. wondered what kind of a sermon it was that a Christian nister could preach that would be distributed from the bar of rinking saloon, and that would excite such unusual and en- siastic approval from its habitues. As he walked slowly neward he read some of its paragraphs and smiled in exulta- n at its confirmation of his own views. "It is true, as he s," he remarked emphatically, "'a temperate amount of li-

upon to assist in investigating the cause of the death. Was it accidental, or the intentional death of a suicide, or had the man been murdered? These were the questions submitted to the inquest—the evidence was carefully examined but only seemed to deepen the mystery that surrounded it.

An examination of the body showed that its hands were loosely tied together behind its back, but the wrists were so swollen that it was uncertain whether the man had tied them together himself in his determined effort to take his life, or whether it had been done by a murderer. When the cord was removed it was found looped and twisted in such a manner that it was believed by some of the jury that the dead man had done it to prevent his swimming to the shore and prolonging a life he wished to destroy. A valuable gold watch was found in the pocket of his vest which indicated that if a murder had been perpetrated the motive for the crime was not robbery. The watch had a hand that registered the days of the month—and it was found that it had stopped on the fifth day at half-past two o'clock. An examination of the interior of the watch, by a jeweler, showed that it was filled with water, and from the position of the "day wheel" that it had been stopped by the water at half-past two o'clock in the morning. This was considered conclusive evidence as to the time when death occurred. On the inside of the watch case was engraved the name of a man well known in the "sporting circles" of our city. He had once been a gentleman of high social position and respectability, but for the past few years had led a life of drunkenness and debauchery. His daily avocation was gambling—his place of nightly resort the drinking hells or bagnios. His brutal conduct when under the influence of liquor had compelled his wife to separate from him, and with her two children to support, she was entirely dependent upon her labor for their daily bread.

"It is a lucky thing for his poor wife," one of the jurors remarked to me as we stood near the corpse, "for she has a paid-up policy for $10,000 on his life, and his death can hardly be said to be a loss even to himself, while it will be a great gain to her, poor thing."

The inquest was called, the jury sworn and a few witnesses examined to the indentification of the body. There was no doubt in the minds of those who testified, for although the remains were so swollen and discolored that few could recognize the features of the dead man, yet the watch and the clothes left but little doubt as to the identity. The wife was sent for and was certain that she recognized the features of her husband, blackened and disfigured as they were by death. And she also identified a large chased gold ring on the swollen finger of the corpse as one she had presented to her husband in happier days. She said that on the inside of the ring was engraved the date that she presented it to him — December 25th, 1850 — with the words *ma chere*. The ring could not be removed without severing the finger, and she wished it to be buried with her husband's body as a souvenir of her love even in death. The other evidence of identification was so conclusive that it was deemed unnecessary to remove the ring for the further evidence of the engraved inscription. The widow was certain it was the ring she had given her husband as a "Christmas gift," and that on its removal the inscription would be found on its inner surface — but [illegible] the remains unless it was [illegible] were satisfied, without the [illegible] with the ring remaining upon [illegible] was laid to rest under the [illegible] and the two children of [illegible] husband and father. When [illegible] coffin they turned in sorrow [illegible] but in shame at the memory [illegible] who had left them the [illegible] and's grave. Oh, how [illegible] those of kin to its [illegible] the graves of those it has [illegible]

A few months afterward [illegible] erected over the grave of [illegible] ment. Cut deep in the [illegible] HUSBAND." And [illegible] is the love of woman. [illegible]

neath, amid the mouldering remains, a golden circle engraved with the simple words, "*my dear.*" Volumes could not have recorded more, nor human lips have uttered stronger evidence of a wife's affection. The inscription on the gold could only be seen by the worms; that on the marble was visible to the eyes of the world, yet both were there; the one the endearing epithet of young love and confidence, the other the utterance of a disappointed heart and an affection that had survived neglect and cruelty.

After hearing the testimony, the coroner and jury found that the death was caused by drowning, but whether it was a murder or a suicide they were unable to determine. The hands bound together were evidence of the one, the watch and ring the other. If the man had been murdered, why did the murderer leave the watch and ring on the body of his victim? If it was a suicide, why were the hands bound together? and who tied the cords? These questions were unanswered by the jury. There was apparently no cause for either murder or suicide, and the mystery of the death was an unsolved problem.

It was true, as the juror stated to me, that the deceased had an insurance on his life, in favor of his wife and family, for $10,000. There was a clause in the policy that exempted the insurance company from paying the amount of the insurance if the death of the insured was by suicide. On the strength of this clause the insurance company refused to pay the widow the amount of the policy, and suit was brought to recover it.

I was employed by the insurance company, but it is needless to say that I would much rather have tried the cause for the widow. In the trial the whole evidence adduced before the inquest in relation to the identification of the body was produced before the court, with some additional testimony. It proved that the deceased, William H. P———, was last seen alive in a gambling hell on W——— street, in company with several strangers. That he lost all the money he had at play, and that he left the room in company with the strangers about half-past one o'clock on the morning of the 5th of August, 1859; his body was found in the river on the 10th day of the same month. A number of witnesses identified the body by

the clothes, size and general appearance, and two witnesses testified that they had recognized the features of William H. P——— in the blackened and swollen remains taken from the river. The watch found on the body was produced in court with the name of the deceased on the inside of the case. It was identified by the jeweler who engraved it and recognized his own work. The widow also identified the watch, and testified to the ring that was buried with the body, and to the inscription on its inner surface. There was no doubt as to the identity, and the only question that remained was, "*whether the death was or was not by accident.*" One witness testified that the cord around the wrists was so loosely adjusted that it could have been placed there by the deceased himself to prevent a free use of his hands, should he repent his intention to destroy himself and try to swim ashore. The fact that a valuable gold watch and ring were left upon the body seemed to prove conclusively that if a murder had been perpetrated, it was not for the purpose of robbery; and if for malice, why did not the murderer take the watch and ring? Was it because the name of the dead man on the case, and the inscription on the ring might lead to his detection? All these questions were submitted to the jury, but amid all the doubt and uncertainty in the case there was one fact very apparent even to an ordinary observer; that was, that the plaintiff in the action was a beautiful woman, and that her widow's weeds became her well. This *evidence* prevailed, as it always will until women shall vote and sit as jurors, when it will turn the evenly balanced scales of justice the other way. Jurors are but men, all descendants of Adam, and the weakness of our common ancestor has descended an undiminished legacy to his sons. In any court of justice in the civilized world to-day, "given," a beautiful woman in becoming habiliments of woe as a plaintiff, and a soulless corporation as a defendant, and — plus widow, minus corporation — will be the result as certainly as if it was the off-spring of logarithmetrical evolution.

The jury rendered a verdict against the insurance company for $10,000 and costs of suit, thereby converting a worthless husband into a valuable estate. "*Tommies to-day may be smash*

to-morrow" is a maxim of the thieves' dialect, yet it enunciates the great truth that "What is of no value to-day, may be precious hereafter." The money was paid by the insurance company, and the death of a drunken husband and a debauched father brought comfort and competence to his wife and family. It provided the widow with a home and means to maintain and educate her children.

Ten years before the events narrated I attended a wedding in our city. It was one of *the* social events of the season. The bridegroom was a young man of wealth and promise. A graduate of A—— College; he had taken the honors of his class, but unfortunately he had inherited wealth from his father who had died in his infancy. The bride was a young woman of remarkable beauty; a gay, careless butterfly in the garden of society, who spread her silken wings in the sunshine of fashion, as thoughtless of the future as her prototype of the flower garden. Reared amidst wealth and luxurious surroundings, she had as little knowledge of the cruel wants of adversity as the callow nestling of the summer bird has of the storms and snows of winter. With the confidence of woman's love and the inexperience of youth and innocence, she gave herself to the man who stood by her side, and she pledged her wifely vows with loving lips and a thoughtless heart. To her the future was all sunshine, filled with gentle zephyrs and the perfume of flowers; while to her husband the vows he had taken were equally thoughtless, yet he believed them sincere, and with the inexperienced eye of young manhood he saw no clouds in the distant sky.

The ceremony was finished and the husband and wife received the congratulations of their fashionable friends without a doubt that the ardent wishes for their future happiness thus expressed would be abundantly realized. No shadow of the coming future dimmed the light of their happy anticipations. They loved each other ardently, and what evil spirit from the unseen world of the future could destroy that love?

A sideboard in the room was covered with silver plate and sparkling crystal. Goblets of emerald hue and amber tint thronged the marble surface. These were filled with wines of

icest brands and most subtle influence, and in their epths no one saw the serpent that was to destroy the ss of this Eden of love and confidence. Soon a servant hed the wedded pair with two glasses from the side. The husband hesitated and looked at his young wife. shed out her jeweled hand and taking a goblet offered r husband saying, "I am aware of your scruples, and I at you are pledged to total abstinence, but drink this s of wine with me in token of our love." Still the hus- sitated, when she whispered, "Is your love for your reater than your regard for me? Is the *pledge* you o it stronger than your love for your wife?" He e glass and drank its contents to the very dregs, and ination I heard the accusing words uttered in the re- f man's first transgression: "The woman whom thou o be with me, she gave me of the tree and I did eat." ned in sorrow away. The bridegroom had once been rate drinker of wine only, but observing his growing nd its demands for stronger drink, he had become and resolved to abstain entirely. To assist him in his on he had signed the pledge, and for several years he n a faithful member of our order of Good Templars. kept his pledge until *his* Eve in a thoughtless moment him. On his return from his wedding tour he with- om our lodge, and we went our several ways in life; he, led for a time with wealth and its enjoyments and ions; I, to fight with poverty, its obstacles and bitter ies.

s passed on, and the oft-told tale was repeated—temper- king had formed an appetite he could not control.

> "Little by little the tempter said,
> As a snare for the unwary feet he spread,
> Little by little and day by day
> He led the tempted soul away.
> Little by little the ruin came,
> A life of crime and a death of shame."

n it was too late the loving wife saw the fatal error she le, and as we stood by the blackened corpse of her hus-

band just taken from the water, the scene of the wedding evening came vividly to my mind. I saw her white, jeweled hand placing the fatal cup to her husband's lips. I saw his hesitation, and again I heard her tempting words. And when I looked on the pale, sorrow-stricken features of the wife and the revolting remains before me, I could not realize the fact that they were the happy bridegroom and bride of that brilliant wedding.

Time passed on with ceaseless tread, yet I had not forgotten the incidents narrated. Whenever I visited our cemetery the marble monument "with voiceless tone," revived the recollections of the wedding day, the fatal temptation, the inquest and the trial. And when in summer time I frequently saw wreaths of flowers laid upon the grave, I knew the dead was remembered with affection by those he once loved so well. Fifteen years had passed, when one day the president judge of one of our judicial courts came into my office with a package he had received by mail from Aukland, in the island of New Zealand, to us the world's antipodes. It was from the United States Consul residing there. The package contained several papers, drawn up in legal form, with the seal of the consulate thereon, together with a smaller package and a letter from the consul which read as follows:

OFFICE OF THE CONSUL OF THE U. S. OF A.,
AUKLAND, NEW ZEALAND, January 1, 1880.

To the Honorable President Judge of the Courts of the County of C———, in the State of Pennsylvania, U. S. of A.:

DEAR SIR: A few days ago I was called to visit the house of a man formerly a citizen of your State and a resident of your city, but who has resided in New Zealand nearly fifteen years. He was a shipping merchant and had accumulated a large fortune in the business. He was known as William H. Lostman, and was respected by all who knew him. For years he had been an exemplary member of the Episcopal Church, and was noted for his generosity to the poor, and his kindness to his employes. For the last year his health had failed, and believing himself to be on his bed of death, he sent for me to draw his will and take charge of his estate after his death, as his executor. I direct this communication to you officially, not knowing your name, requesting you to inform his wife and children, if they yet live, of his death, and to do what is necessary to assist me in carrying out the provisions of his will.

He disclosed to me the secret history of his past life, which rivals the strangest tales of fiction. I send you a copy of the statement he made, as I hastily took it from his dying lips. His story was briefly told, for he feared he would die before he had made his will. The statement is probably true in every particular, as he made it under oath, and the still more solemn obligation of impending death. He died a few hours after he had made his will, a copy of which I also send you.

STATEMENT OF WILLIAM H. LOSTMAN MADE AT AUCKLAND, NEW ZEALAND, DECEMBER 28, 1879.

I was born in the county of C———, State of Pennsylvania, U. S. A. My right name is William H. P———. Twenty-five years ago I married Eva B———, a beautiful young girl. We were married in the town of M———, in the county of C———, State of Pennsylvania. I inherited an abundant competence from my father who died when I was but a child. Early in life I acquired a taste for drink, and became very dissipated. Yielding to the solicitations of my friends and my own sober judgment, I became a member of a temperance organization and kept the pledge faithfully for a number of years. On my wedding day in an unguarded moment I was tempted to drink a glass of wine. That glass was my ruin. After my marriage I again became dissipated. I spent all my property in gambling and its inseparable vices. When under the influence of liquor I treated my wife and two children so cruelly that they were compelled to separate from me. On the night of the 4th of August, 1859, in company with several friends, I visited a gambling hell, and, excited by drink, I played so rashly that in a few hours I lost all my money—the remnant of the estate my father had left me. Desperate and maddened by my loss, I determined to leave the country and either retrieve my name and fortune or die unknown in a distant land. I borrowed, of the friend (?) who had won all my money, one hundred dollars, giving him a valuable gold watch as security, and in the dead of night I left the home of my boyhood, a wanderer and an outcast. I went to the city of Pittsburgh, and, changing my clothes, obtained employment as a roustabout, or deck hand, on a steamboat bound for New Orleans. I remained in that city several months. One morning I purchased a New York *Tribune* from a newsboy on the streets, and in it read a brief account of a suit by my wife against a life insurance company in which I was insured in her name. It gave no particulars of the trial except that my death was clearly proven in court, and that the jury gave my wife a verdict of $10,000. This news alarmed me. I knew nothing about the law, and feared that I might be implicated in a criminal charge for defrauding the insurance company. I immediately embarked on a steamer for the Isthmus, crossed over to the Pacific coast, and took ship for this island. The rest of my history you know.

Several times I have determined to return to my wife and family, but

feared to do so, not knowing but that I might be liable to a criminal prosecution. Here is a ring my wife gave me as a Christmas present in our happiest days. I wish you to send it to her if she is alive; she will recognize it at once. Now, draw my will, giving my property to my wife and children, and direct them to pay the insurance company back the $10,000 with interest. I am very sorry — can say no more — I feel the approach of death — make haste with my will — I have but a few moments left to dispose of the accumulations of long, weary years of labor. Write to my wife — tell her I loved her always — that often I have kissed this ring in remembrance of our happier days — W. H. P——.

In my presence the judge opened the smaller package and took from it a large chased gold ring — on the inner surface we read the inscription, "*Ma Chere, December 25, 1850.*" We also read the will. It conveyed a large estate to the widow and children, with the direction to return the $10,000 and interest to my old clients, the insurance company.

At the request of his Honor, I went with him to be present at the denouement of this singular mystery. We called at the cosy cottage of the widow, situated near the cemetery to which the faithful, sorrowing wife made frequent visits to lay tributes of love on her husband's grave. We were met at the door by her daughter, a beautiful and accomplished young lady, who received us with smiles; yet her bright eyes dilated with an expression of surprise when she saw me. Doubtless she had been taught to look upon me as that hard-hearted old lawyer who had tried to prevent the law from giving her mother the price of her father's life. She invited us into the parlor, where we were received by the widow, who had never yet laid off her weeds of mourning. The look of cold surprise which met me at the door, from the daughter, was repeated with compound interest by the mother, who smiled on the judge as she gave him her hand, while she bowed reservedly to me, and invited us to be seated. Alas! alas! how many undeserved frowns and cold looks do we poor unfortunate lawyers receive from those against whom we have done but our duty in the courts, and how many unmerited smiles are bestowed upon us because the plain rules of the law have given our clients a verdict. "Virtue is its own reward," wrote Horace, and that self-evident fact is

a great consolation to our fraternity when the world turns a cold shoulder to us because of some of our best legal efforts.

After we had been seated a few moments, to give the widow's surprise time to increase or diminish, as the case might be, the judge handed her the ring and asked her abruptly — yet purposely so — if she had ever seen it before. She looked at it a moment, then turned pale as the face of the dead. "My husband's grave has been robbed!" she exclaimed. "This is the ring I gave him, and that was buried with him. Oh, who has done this wicked thing!" And she burst into tears.

Kindly and cautiously the judge explained all, and gave her the statements of her dying husband to read. Slowly and with difficulty through her tears she read the statement until she came to the sentence, "On my wedding day in an unguarded moment I was tempted to drink a glass of wine." Then in a paroxysm of remorseful grief she exclaimed, "It is true. I was his tempter, and I have prayed that this hand that offered him the glass might wither in penance for the wicked deed. I am to blame for his ruin, and the suffering I have endured is but a just punishment for my crime — yes, crime! for it is a crime of the deepest dye to tempt a soul to its ruin. I was young and thoughtless then, and knew not what I did. But how can mature, thinking men advocate even the temperate use of that which always leads to drunkenness, and which ruined my husband. He had reformed, and was a member of a temperance society, and I, foolish girl, was even jealous of his love for his order, and on our wedding day I tempted him to break his pledge as an evidence of his love for me, an act which has embittered my whole life? But," she exclaimed with a sudden impulse, "who is in my husband's grave? Surely it was this ring that was buried with *your* body!"

After some time she became more calm. The judge read to her the balance of the statement made by her dying husband, and the will to which she seemed to pay but little attention; but when he also read the letter of the counsel to her, and she learned that her husband had reformed and died a respected

member of a Christian Church, she wept again; but amid her tears her pale face became irradiated with a smile of joy.

When we arose to leave she reached out her hand to me, and said: "Mr. R., I have done you wrong in thinking that you did more than your duty in the suit with the insurance company. Will you please take charge of my husband's will, and do what is necessary to execute his wishes. But that monument must be removed. I do not wish to see it again. Will you please attend to it?" I assured her I would do all in my power to accomplish her wishes.

"'Tis strange — but true; for truth is always strange;
Stranger than fiction."

quoted the judge, sententiously, as we reached the street. "But whose body is that under the monument? It must be that of the friend who loaned P——— the hundred dollars. I wonder who *he* was."

The next day after our interview with the widow, I went to the cemetery, accompanied by some laborers. We removed the monument and opened the grave. The coffin was much decayed; yet retained its shape. On removing the lid,

"A skeleton form lay moldering there."

The bony hands were crossed upon its breast, and on the fleshless finger of the left hand was the ring for which I was in search. It was tarnished by its contact with death and decay; yet on removing it from its ghastly resting place, a slight friction upon the coat of the laborer, and it gleamed with the brightness of its early life. I took the resurrected circle of gold in my hand and read from an inscription on its inner surface the words, "From Edith.".

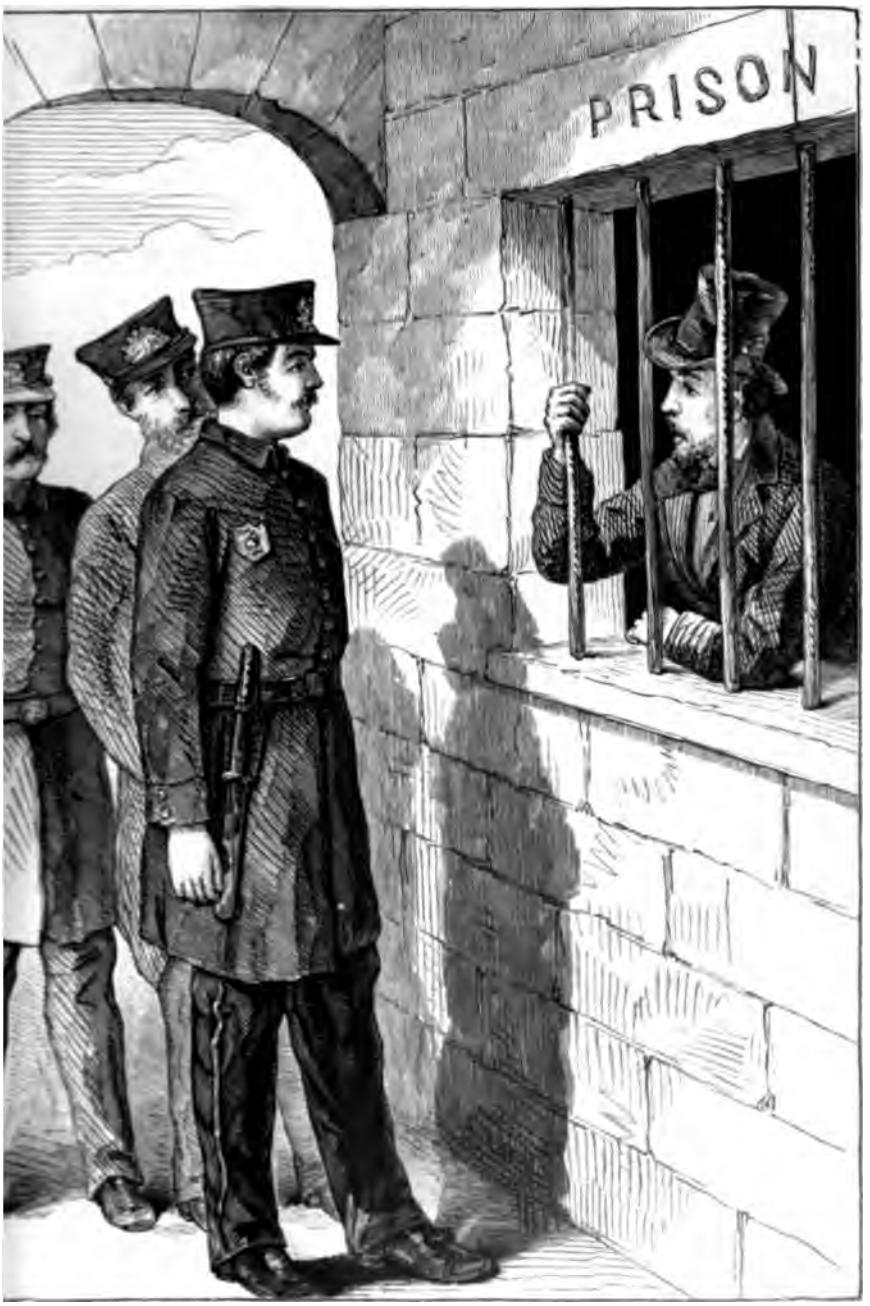
"Only this and nothing more."

Who was Edith? and who the man that wore the ring? Was he murdered or did he die from suicide? These are the mysteries that have remained unsolved, and will probably so remain until the dead shall arise from their graves on the morning of the resurrection.

The dirt was thrown back on the moldering coffin, and a simple mound, covered with God's beautiful verdure, has taken the place of the sculptor's ornate marble. No tears fall upon it now; neither do loving hands strew it with flowers. Unnoticed the visitor passes it by; yet to those who know its history it is full of interest. Unlike other graves around it, it contains two secrets — the mystery of the life of him who is sleeping there, and the great mystery of death itself.



FROM A BAR.



TO BARS.



COURT AND PRISON.

LEAVES FROM THE DIARY OF AN OLD LAWYER

BY A. B. RICHMOND, ESQ.,
A Member of the Pennsylvania Bar;
Author of
"Intemperance and Crime;" "A Hawk in an Eagle's Nest," &c.

"A court is ... place where Justice is *said* to be administered."
— *Comic Blackstone.*

"A felon's cell—
The truest earthly type of hell—"
— *Whittier.*

ILLUSTRATED.

MEADVILLE, PA.:
MEADVILLE PUBLISHING HOUSE, RICHMOND BLOCK.
1885.



Entered according to the Act of Congress, in the year 1863, by
A. B. RICHMOND, ESQ.,
In the Office of the Librarian of Congress, at Washington, D. C.

J. B. SAVAGE,
Printer and Binder.
CLEVELAND.

PREFACE.

"The good need fear no law;
It is his safety, and the bad man's awe."
—*Ben Jonson.*

"A prison is a house of care,
A place where none can thrive;
A touchstone true to try a friend,
A grave for one alive;
Sometimes a place of right,
Sometimes a place of wrong;
Sometimes a place of rogues and thieves,
And honest men among."
—*Inscription on Edinburgh Tolbooth.*

In presenting this little volume to the public my object has been to direct the attention of the reader to an evil that invades the homes of the people and blights the rising generation of men and women; that takes from the family circle of all classes of our community the most valued of all our possessions—a promising noble boy—and first tempting him to evil, then consigns him to a life of infamy or an ignominious death; that gives a loved daughter to the embrace of a drunken husband; that not only blights the boughs of the family tree, but often attacks the parent stem itself, until at last it falls to the ground in rottenness and decay; that is the great foe of religion that fills our prisons with inmates, our morgues with suicides, our scaffolds with murderers; and that opens the very gates of hell to innumerable victims of its sin stained influence.

I have not attempted to write a book full of sage thoughts or philosophic erudition, nor yet one that in a literary point of view would withstand the attack of criticism. I have sought only to tell my experience at the bar of our courts in such a manner as would attract the attention of the ordinary reader, and make the incidents I relate so many arguments in favor of temperance and *prohibition*. I have endeavored to write a book that will be read at the fireside of the farmer, the artisan, and laborer—the men whose votes decide the elections of the country, and whose apparently humble influence forms the morals of the people and controls the destinies of the nation.

I have thought that an old and hackneyed subject could be made to present new interest to the average reader by investing it with dramatic tale

or anecdote, and that true narratives may be as full of startling incidents as are the popular tales of fancy and fiction. And I believe that moral lessons can be better taught to the young through merry song and interesting story than by the erudite page of sombre logic; that they are more deeply impressed on the mind when clothed in the sunshine of amusement and hope of reward than when enforced by threat and denunciation. The chapters of this book were written at different times and during the leisure hours of a laborious profession—many of them for publication in the newspapers of the West—and for this reason there may be a similarity of thought and expression among them that would not have existed had they been written consecutively, or in one continued effort to "write a book;" but such as they are they are given to the public in the sincere hope that they may do something towards accomplishing the final prohibition of the traffic in intoxicating liquor and the abolishment of the laws that license and protect it.

I make no pretensions to being a reformer, neither do I believe that I have a "mission" to perform in behalf of mankind. I am not even a philanthropist in the ordinary acceptation of the word. The profession of the law is not calculated to beget either great love or great respect for the average man, but it is calculated to make its votaries despise hypocrisy and the cant that leads prominent Christians to pray for the good, while they vote for the evil; to implore divine assistance against temptation for themselves, while they support laws that tempt their fellow men to sin and crime. It is not to *preach* the doctrines of sobriety and morality that I have written these pages so much as it is as a witness to testify before the bar of public opinion against the greatest evil that was ever inflicted upon our race.

I have had a large experience in the courts of the country and I have truthfully given a portion of that experience to the reader of this little book, in hopes that the seed thus sown may germinate in the public mind and ripen into a harvest whose gathering will benefit my fellow men.

THE AUTHOR.

TABLE OF CONTENTS.

CHAPTER.		PAGE.
I.	—A Father's Murder,	9
II.	—Early Reminiscences of Temperance and Prohibition,	14
III.	—The Story of Ambrose Guinnip,	20
IV.	—Whiskey Did It,	29
V.	—Faith and Works,	33
VI.	—Analysis of a Bottle of Whiskey.—A New Test of Poison,	40
VII.	—Hydrophobia and Whiskey-phobia,	51
VIII.	—The Two Floods,	56
IX.	—Thoughts Suggested by a Printer's Mistake,	63
X.	—Convicted by a Thread—Circumstantial Evidence,	68
XI.	—Murder and Its Accessory—The Licensed Cup,	79
XII.	—The Heathen Goblet,	85
XIII.	—To Our Law-makers,	90
XIV.	—An Affecting Incident,	95
XV.	—Does Prohibition Prohibit?	99
XVI	—How Elder B. was Converted to Total Abstinence,	107
XVII.	—Constitutionality of a Prohibition Law,	111
XVIII.	—Who Owned the Jewelry?—Conflicting Testimony,	117
XIX.	—The Siren and Her Victim.—My Old Friend's Story	129
XX.	—A Peculating Guardian.—Incongruity of the Law,	157
XXI.	—The Old School-house.—Recollections of the Past,	164
XXII.	—Love, Insanity and Murder,	174
XXIII.	—Two More Unfortunates,	208
XXIV.	—A Dream,	213
XXV.	—A Legal Opinion,	219
	Postscript,	228



CHAPTER I.

A FATHER'S MURDER.

"Murder most foul, as in the best it is;
But this most foul, strange and unnatural."
—*Shakespeare's Hamlet.*

"Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made He man." —*Genesis* ix: 6.

The prisoner at the bar and myself had been playmates in our childhood, companions in our youth, and friends in our early manhood. When a boy he had been an inmate of my father's house a number of years. We had slept side by side, had eaten at the same table, and little did we think in those days of comparative innocence that we would ever occupy toward each other the relative position that we did that day—he a prisoner on trial for the murder of his own father, and I the district attorney and public prosecutor of my early playmate and friend. As he stood in the prisoner's dock with the impress of the iron fetters yet upon his wrists and the pallor of the prison on his brow, swift-winged memory carried me back to the old school-house in the grove where as boys we had played together; and although many long and weary years had passed since those happy days, yet under recollection's magic touch, they seemed but yesterday.

As the years of our youth passed by one by one, we had gradually drifted asunder, dissimilar tastes and surroundings separated us, other friendships supplanted those of our boyhood, and finally the cares and pursuits of manhood buried in the oblivion of the past almost all recollection of that thoughtless, happy throng that once played together on the school-house green.

The prisoner when a boy had been noted for his kindly disposition. He was universally liked by his companions for his truthfulness and those honorable traits of character which



CHAPTER I.

A FATHER'S MURDER.

"Murder most foul, as in the best it is;
But this most foul, strange and unnatural."
—*Shakespeare's Hamlet.*

"Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made He man." —*Genesis* ix: 6.

The prisoner at the bar and myself had been playmates in our childhood, companions in our youth, and friends in our early manhood. When a boy he had been an inmate of my father's house a number of years. We had slept side by side, had eaten at the same table, and little did we think in those days of comparative innocence that we would ever occupy toward each other the relative position that we did that day—he a prisoner on trial for the murder of his own father, and I the district attorney and public prosecutor of my early playmate and friend. As he stood in the prisoner's dock with the impress of the iron fetters yet upon his wrists and the pallor of the prison on his brow, swift-winged memory carried me back to the old school-house in the grove where as boys we had played together; and although many long and weary years had passed since those happy days, yet under recollection's magic touch, they seemed but yesterday.

As the years of our youth passed by one by one, we had gradually drifted asunder, dissimilar tastes and surroundings separated us, other friendships supplanted those of our boyhood, and finally the cares and pursuits of manhood buried in the oblivion of the past almost all recollection of that thoughtless, happy throng that once played together on the school-house green.

The prisoner when a boy had been noted for his kindly disposition. He was universally liked by his companions for his truthfulness and those honorable traits of character which

mark the boy among his playfellows, as well as the man of business among his associates in after life.

He was confiding and thoughtless: possessed of one of those trusting natures that made him an easy victim of our boyish jokes. Easily persuaded towards good or evil, with proper surroundings in life he would have made a good citizen, an honest, virtuous and upright man. But surround him with vicious environments, and he had no power to resist temptation or the allurements of passion and appetite. With a few naturally bad propensities, he was made of the same material out of which the rank and file of mankind are constructed. Of such as he was does the law make drunkards and criminals through the licensed saloons and bar-rooms; of such as he was does the church, through revivals and other emotional reformatory influences, make good men and Christian devotees. Responsible for his acts, it is true, yet of weak and feeble will, he would have fallen where many others stood erect. And although the judicial tribunals of this world must judge and punish all alike, yet such as he will never receive justice until they stand before that bar whose Judge can weigh every pound of temptation and every ounce of resistance with unerring certainty.

At the age of sixteen years he left my father's house and obtained employment on a boat that ran on the Erie & Pittsburgh canal, a thoroughfare thronged with the "traveling public," and its banks studded with those favored institutions which our law deems so essential to the comfort of the peripatetic populace of this commonwealth. Yes, every few miles, the red flag of these immoral pest-houses was hung out, inviting the passer-by to enter their sin-stained precincts and drink of the cup of human woe. At these places the prisoner acquired an appetite for drink; at these places he did as others do—and as the law contemplated when the licenses were granted. It is useless to say that no man need to drink except of his own free will. There can be no legal blame attached to a man who does what the law licenses to be done, and when he does drink—when he does what the law permits—there his free agency ceases. The effects of the liquor on his system, the diseased appetite it begets, and the passions it engenders, are

beyond his control. Its maddening influence upon his brain comes not of his volition, but because the Spirit of Evil sleeps in the licensed cup, and the man who drinks may not know that its slumber will be broken until he has committed a crime through its influence. Then his free will is of no avail; repentance and contrition come too late. When the fetters are placed upon his limbs and the iron door of the prison are closed behind him, then, and not until then, does he see that murder and crime were in the draught. How vain then are a wife's tears, a sister's sorrow, or a mother's agony. The law is inexorable; it has no mercy towards those who violate its mandates, no sympathy for those it tempted, no compunctions for the ruin it has wrought; but after it has imposed its penalties, it turns again to the sin-stained dockets and records other licenses and establishes other temptations for men, digs other pits into which the unwary may fall, and sells for money the right to make other criminals and outcasts.

One Saturday night the prisoner came home drunk. He was very abusive to his mother, so much so that she left the house and went to a neighbor's. About nine o'clock she returned and found her husband lying dead on the floor, his skull crushed by a cruel blow, apparently given with a stick of firewood. By his side lay the prisoner in a drunken sleep, unconscious of the terrible crime he had committed. The gray hairs of the old man were clotted with blood, and his brains were oozing from his fractured skull. By the side of the son was found a large stick of wood covered with blood and gray hairs. It was with difficulty that he was aroused from his drunken stupor, and yet more difficult to make him understand that he was a murderer, and that his hands and clothes were stained with his father's blood. But there were the silent yet truthful evidences of his crime, and although he remembered nothing that had happened, yet the dead body, the club, and the blood upon his person, told the terrible story of his guilt.

The prisoner had been confined in jail a number of months, all traces of his dissipation had vanished, and now as he stood before the court with his prepossessing face and person, no one unacquainted with the circumstances would have suspected that he was a parricide about to be tried for the highest crime

that can be perpetrated by human hands. But so it was. He was indicted for murder, and I, his old friend and playfellow, was the public prosecutor. Never shall I forget the pleading look he gave me as I told the story of his guilt to the jury. It haunts me to this day, and in the wakeful hours of the night it comes to me like a horrible nightmare. And while I write this page it is with difficulty that I can repress the rising tear when I think of the fate of the companion and friend of my boyhood! Forty years with their sorrows and weary burdens of life have passed since the innocent days of our childhood, and yet I can see the genial smile on the face of my early playmate, and hear his merry song and laughter as plainly as I heard them then.

Thirty years have passed since he was convicted of murder in the second degree and sentenced to nine years' imprisonment in the penitentiary, and the look upon his face while I narrated in court the incidents of the crime and the evidences of his guilt, comes up before me now as plainly as the page I am writing.

Twenty-five years ago the prisoner died in an insane asylum, where he had been taken from the prison, where the solitude of his cell, haunted by the shade of his murdered father, had affected his brain—diseased by liquor—and made him a maniac. His poor old mother died heart-broken before his trial and conviction; and now in a desolate and forsaken graveyard in the country, overgrown with weeds and brambles, father, mother, and son sleep side by side—the father killed by the son, and all three indirectly murdered by the law that licenses the sale of intoxicating liquors as a beverage.

My readers, this accusation is no cant. It is as true as that the effect follows the cause in all the operations of Nature's unchanging laws. Let us reason together a moment and see if the charge be unjust or unreasonable.

If the prisoner had killed his father with "premeditation and of his malice aforethought," he would have been guilty of murder in the first degree, and by the laws of God and man condemned to die. But if he did not do it of his own malice, or with premeditation, but because of the frenzy caused by the liquor he drank and its effects on his brain, then he was only

guilty of murder in the second degree. In other words, if the evil passions of the son alone prompted the deed it was murder in the first degree, If the evil passions and insanity caused by the liquor, incited him to kill his father, it was but murder in the second degree. The jury under the instructions of the court on the law found him guilty of the latter offense—that is, they found that the liquor was the cause of the crime, that it was perpetrated through its influence, and therefore the offense was not murder in the first degree. The son, unpoisoned by liquor, was acquitted by the verdict. The son, drunken by liquor and maddened by its effects, was convicted. And who will say that the crime was not directly caused by the licensed curse, and that the law was not accessory to the murder?

The prisoner, sober, would not have raised his hand in anger against a father he loved; when drunk, he murdered him. He would not have been drunk at the time but for the licensed houses the law had established by the pathway of his daily life, and the law is as plainly accessory before the fact as was ever a man who counselled, aided, or abetted a criminal in the commission of a crime. But the law punishes an accessory before the fact with nearly the same severity that it does the principal. What then shall be done with intoxicating liquor, that is plainly accessory to nine-tenths of the crime in our land? Let it be tried and condemned before the court of the people at the bar of the ballot-box, and then, bound in the fetters of prohibition, let it be cast into the dungeon of oblivion where it can no more tempt men to their destruction. What good has the country ever derived from the sale of intoxicating liquor as a beverage? What benefit has it ever been to the race of man? What single act of good has it ever performed? Not one! No, not one! Has it ever done anything to promote Christianity, or advance civilization? Did it ever build a church, or a school-house, or a charitable institution? Did it ever heal the sick, feed the hungry, or clothe the naked? Did it ever lift a fallen man from the gutter and mire of degradation and assist him to stand erect in the image of Him who created him? Did it ever wipe a tear from the cheek of the drunkard's heart-broken wife or give bread to his starving children? Has it ever done a single

act to which its advocates can point without shame? Not one! No, not one!

Why, then, should this nefarious traffic be permitted in this Christian land? There is not a prison or poor-house in the country but has been erected because of the burden of crime and pauperism it has inflicted upon society; not a gallows been built but it has placed a victim upon its scaffold; not a disease has afflicted mankind but it has promoted it; not a plague has swept over the land but it has helped to spread its contagion; not an epidemic but it has increased its ravages; not a crime in the calendar of human iniquity but it has prompted men to commit, while drunkards, criminals, and paupers are its legitimate offspring. And yet, oh, shame on this people! this traffic is tolerated by them, and even the right to engage in it is sold as a franchise by our courts of justice!

CHAPTER II.

EARLY REMINISCENCES OF TEMPERANCE AND PROHIBITION.

"The mother, in her office, holds the key
Of the soul: and she it is who stamps the coin
Of character, and makes the being who would be a savage,
But for her gentle cares, a Christian man."

—*Old Play.*

It is fifty years since I joined a prohibition party: the party at that time consisted of two members—my pious, good mother and myself—but as neither of us could vote we exercised but little political influence in the community where we lived; we were not only a small minority numerically, but we had no sympathizers, and not even the faintest sign or hope of any new converts or additions to our party. In those days everybody drank more or less, and pious ministers of the gospel spoke of intoxicating liquor as "one of the good gifts of a kind Providence, to be enjoyed but not abused."

My father and mother were early pioneers of the Methodist church, in the then almost unbroken wilderness of southern Indiana; our house was the home of the traveling ministers who "rode circuit" at that early day—pious, good, Christian men, all of them, who served their Master faithfully, and braved the privations and dangers of their calling with no hope of reward save that of divine approval. No pride or pomp attended these early knights-errant of Christianity as they threaded the almost pathless forests of the West. No coat of impenetrable armor or casque of steel protected them from savages and wild beasts; no stars or garters, or emblems of earthly distinctions rewarded them, and not even a minstrel commemorated their valor with harp and song; yet, inspired by the holy impulses of Christianity, panoplied only with re-

ligious zeal, and armed only with their Bibles, these heroic soldiers of the cross penetrated the desert and wilderness that they might carry the "glad tidings of great joy" to all men, in obedience to the Saviour's command.

In vain we search the chronicles of past centuries for deeds of greater valor than were performed by these humble and almost forgotten ministers; never a knight of the crusades placed lance in rest against Saracen spear or cimiter with greater courage than was required to preach the gospel in the wilds of America in the early days of our republic.

Yes, they were good, Christian men, who, after days of weary travel to "fill their appointments," would preach two sermons on Sunday, and then, by my father's fireside in the evening, drink their glass of "peach brandy" or "apple jack" while discussing the various questions that vexed the theology of the day; but then, they would have been so much better without their indulgence in the prevailing sin; so much more capable of guarding with a shepherd's care the flocks their Master had given them to keep. Well do I remember that the wolf *they* most dreaded was intemperance, and how they preached against it as the great evil religion had to contend with; and after a revival meeting, when a number of the sturdy "backwoods" and "river" men had bowed down in humble contrition at the foot of the altar, how often have I heard the remark from ministerial lips:

"I hope they will hold out faithful—and if they will only let liquor alone I believe they will."

Even at that early day "prohibition" was recognized as the only safety to the new convert, and intemperance was dreaded as the great foe of religion. But to turn the tide of public opinion, and change the whole current of public thought by moral suasion and argument seemed a hopeless task indeed. The first temperance societies were ridiculed as utopian in theory, and an invasion of the rights of man in their practical effects. "Should a man sign away his rights!" was a question seriously discussed by sage and scholar, by learned and unlearned; men seemed to forget that a man never had a right to knowingly injure himself or to tempt his neighbor to sin: they seemed to forget that civil liberty is natural liberty re-

strained by the willing consent of mankind, so far, and no farther, as is for the benefit of society; that every man had a right to pledge himself to do good, and to cease to do evil, and that it was even his duty so to do. But the world moved on apace—human thought progressed, until to-day we smile at the absurdities of the opposition to early temperance as we smile at the laws that punished witchcraft.

For some years our prohibitory party increased in its zeal and convictions, although its numbers remained the same. At last my father became a convert; his conversion was the result of an incident so painful as never to be forgotten.

There moved into our neighborhood a stranger from the New England States. He was a man of education, who, though now poor, had evidently seen better days, and seemed to be illy fitted to endure the toil and privations of a frontier life. He was a silent, thoughtful man, who seemed weighed down with some former great trouble. Unlike the other settlers he refused to keep intoxicating liquor of any kind in his house, or to provide it at his "toteing bees" or "corn huskin's" as was the custom of the country; for this he was shunned by his neighbors; reviled by some and pronounced penurious by all. The only reason given for his conduct was: "I don't believe it is right to use intoxicating liquors myself, or to place the cup of sin to my neighbors' lips;" but this reason was rejected by all; it savored too much of heaven and too little of earth to be believed by the unregenerated hunters and "Indian fighters" of the settlement, and by common consent they "let him alone" after the manner in which the reconstructed south treated the hero of "A Fool's Errand." He was left to "log his clearings" and gather the crops on his small farm unassisted, until there came a time when we were threatened with an Indian invasion, when he conducted himself with so much courage that the settlers, who looked upon bravery as a Christian virtue and cowardice as an unpardonable sin, began to respect him.

"I tell ye what, boys," said old uncle Luke Vantassel, a thorough pioneer and Indian hunter, to a crowd at a "toteing bee." "I tell ye what, boys, 'tisn't always that a likin' for whiskey makes a man. He's no coward, an' I'm his friend,

jest you mind that now, or there'll be trouble in our settlement, sure as you're born!"

After this Mr. C——— grew in the esteem of his neighbors, and a few years after, he was elected a "class leader" of the M. E. church—a position far more honorable at that day than it is to be a member of Congress at this. For a number of years he conducted his class with pious zeal and acknowledged ability. There was no controversy about the impropriety or danger of a "third term," but year after year he was elected by the unanimous vote of brothers of the church. The women were not considered capable of exercising the elective franchise—they did not drink whiskey, and were not qualified.

One spring morning, Mr. C——— came into the office of my father (who was the only physician and surgeon for many miles around) and complained of a growing indisposition. Father, thinking he was threatened with a *miasmatic* fever prepared a prescription consisting of an infusion of herbs and roots in whiskey, and instructed him to take a table-spoonful three times a day. Oh! most fatal prescription! Far better for him would it have been to have risked the dangers of sickness and the poison of malaria, than to again arouse the slumbering demon of appetite that lurked in his system. Although the fact was unknown in the settlement until after his death, it then became known that he had once been a drunkard; had squandered a large fortune in the debauchery which liquor always begets, and at last, overwhelmed with shame and contrition, he left the scenes of his vice and profligacy, his home and vicious companions, to find safety in the isolation of a new country. He feared not the dangers of the wilderness nor the privations of a frontier life, but he feared himself; he dreaded not the savage foe that might lurk in ambush along his pathway, but he did dread the foe that slumbered in the ventricles of his brain, and he knew that *prohibition* was his only safety. This explained his conduct. He had the moral courage to meet the sneers of his neighbors and the ostracism of the rude society in which he lived; but he had not the physical courage to daily meet his greatest enemy, and therefore he avoided even the presence of intoxicating drink.

He took the fatal prescription as he was directed. His appetite returned. He could not control it, and in six weeks after my father placed the fatal bottle in the hands of his friend and Christian brother, the poor victim of an uncontrollable appetite died of *delirium tremens*, uttering most foul and wicked blasphemy with his dying breath.

I tell you, my readers, that for the thousands of such men as he, there is no safety but in prohibition; it is useless to try moral suasion alone on them. It is not true that "they could do better if they would." The appetite that liquor begets in many is a disease, as uncontrollable by the will as "pneumonia," or the tortures of a diseased nervous organization. There is but one remedy for this disease and that is to remove the cause; and in doing this the rising generation of men who have not contracted it will be protected and saved from its contagion.

I once had a friend, a reformed drunkard, who for years had been a pious man, and he told me that he did not dare to partake of the wine at the sacrament of the Lord's Supper, for fear of awakening the slumbering passion that, once aroused, he doubted his power again to subdue. "And," said he, "although I have been a sober man for fifteen years, yet I am afraid I may yet die a drunkard; and but for answered prayer I never could resist the temptations that the law places before me every day of my life."

Oh! why is it that a Christian people should be compelled to humble themselves in the dust before the law-makers of the country, and beg and pray to be protected from sin and its cause; from crime and the power that begets it? Why should they be compelled to petition and beseech the legislature to protect the rising generation from temptation, society from crime, and the country from taxation? One would suppose that the instinct of self-preservation, which influences even the lowest orders of animal life as well as the highest, would somewhere within the boundaries of that influence reach the average legislator and prompt him to act without prayer or petition in a matter that concerns him as much as it does his constituents.

When a contagious disease or spreading epidemic is sweep-

over the country and marking its pathway with death, immediately the sanitary laws of our country are invoked, and straightway every known cause of the pestilence is removed and its existence prohibited in the future. And this is all that the temperance people ask of their law-makers in the present crisis. We are not asking special privileges for our own gain or welfare, most revered law-makers; we do not ask for license to sow the germs of crime, and seeds of death, that we may be enriched by the ruin of our fellow men! We do not ask that the public shall be taxed that we may ply our licensed calling of tempting mankind to sin and crime! The granting of our demand will never be the cause of erecting a single scaffold or prison; but it will assist materially in spreading the gospel, advancing Christian enlightenment, and elevating the moral and physical condition of our race. We only ask you to prohibit the sale and use of a known and acknowledged poison, whose physical effects are more to be dreaded than the pestilence, and whose moral effects are evil only, and that continually.

Now, most respected members of the senate and legislature, why will you permit yourselves to be over-awed by the liquor influence of the country? You are well aware that you were elected to the position you now occupy because of your eminent ability and purity of character; you were selected from the common mass of mankind in a contest where the consideration that influenced the voters was moral worth, not money; intellectual superiority, and not to accomplish some selfish end. You are, of course, well aware that many of your honorable body were actually elected by a majority of votes to the position you occupy, and that it is not likely that such a concatenation of favorable circumstances as those that placed you where you are may ever occur again. With these stubborn facts in view, will you not avail yourselves of the favor that fortune has cast upon you, and do an act of great public good —one that will embalm your memory in the prayers of the righteous for all time to come?

Let me call your attention to the fact that the prohibition party is increasing in numbers most rapidly. By the prayers of Christian mothers all over the land the good seed has been

sown; and the time is not far distant when mankind will reap therefrom a most abundant harvest. Remember that within the broad limits of this continent not one single mother has ever prayed that the vice that might ruin a husband or son should be extended; while countless millions of prayers for the success of the prohibition party ascend every day to the throne of grace from women's pure lips. And it cannot be but that their prayers will be answered by Him who takes no pleasure in the death of the wicked, but would rather that all would "come unto Him and live."

The influence of the prayers of Christian mothers cannot but avail in heaven as they are felt on earth. And many a wayward son whose hairs are gray with years and the labors of life, yet feels the influence of a mother's teachings in his childhood; and among all the forgotten past remembers with a vivid recollection the gentle touch of a mother's hand

"As she turned from her Bible to bless her child."

CHAPTER III.

THE STORY OF AMBROSE GUINNIP.

"When fiction rises pleasing to the eye,
Men will believe because they love to lie,
And truth herself, if clouded with a frown,
Must have some stolen proof to pass her down."

—*Churchill.*

"'Tis strange—but true; for truth is always strange;
Stranger than fiction."

—*Byron.*

The story I am about to tell is true in every particular. The incidents occurred in England during the eighteenth century, and led to a great change in the law of the time, and established a more rigid rule in regard to the evidence required in criminal cases to prove the *corpus delicti*, or body of the offense.

To-day, if A and B should go into the woods together, hunting, and A should return with the gun, watch and money of B in his possession, with blood on his clothes, and should openly declare that he had killed B and concealed his body where it could not be found, A could not be convicted of the murder of B until the body of B had been found, or there was some other evidence procured to prove that B was actually dead, and had been killed.

A young Scotch laird, about eighteen years of age, had inherited a large property, which was then in the keeping of a guardian, who held it in trust until his ward became of age. This was long before the existence of those "fanatical" institutions—"Christian Temperance Unions"—and when every man and woman drank intoxicating liquor to a greater or less degree, untrameled by law or public opinion. In those days the gentlemen, or "lords of the fee," were not estimated by their intellectual or moral worth, so much as they were by the

number of bottles of wine they could "put under their belt" without being themselves "put under the table," or to bed by their servants. A gentleman of that day felt more pride in being able to boast that he could drink six bottles of wine and yet preserve his equilibrium, than does the scientist of the present time in the discovery of some new scientific fact or a new element of nature.

At that time there was, perhaps, not a baronial mansion in England or Scotland but had in its cellar a number of hundreds or thousands of dollars' worth of intoxicating liquors, which were consumed in drunken revels, and which were paid for by the exorbitant rents extorted from the half-clothed and half-fed tenants of the country. Verily, the world moves, and the country owes much of its present welfare, and the sobriety of its people, to "temperance fanaticism." But to my tale. The young laird had become very intemperate and dissipated, and his guardian concluded that if he could send him on a continental tour for a year or two under the care of a sober and religious tutor, and by that means keep him away from his intemperate companions, the youth might be saved from the ruin that threatened him. His physicians also advised it, for the young laird's excesses had brought on attacks or fits of epilepsy, and every time he became intoxicated he had an attack of this disease, which often led him to the very brink of the grave.

The guardian engaged one Ambrose Guinnip, a worthy young man who was studying for the ministry, to travel with the young laird in the double capacity of a mentor and tutor. He was entrusted with the money necessary for their expenses, and was particularly enjoined by the guardian not to let his ward have any, for some time at least, for fear he would expend it in drink. He was instructed to be liberal in supplying his pupil with all the luxuries desired, except the forbidden wine.

The two young men started on their tour. The best and most kindly feeling existed between them, and for some days all was pleasant and harmonious.

They reached England. On their way to the seaport where they were to embark for the continent, they stopped one afternoon at an inn in a little village near the river Thames. The

young laird told his tutor that he would take a walk and that he would return in an hour. The hour passed and he did not return; and yet another passed and still he was absent. The tutor became uneasy, and after the sun had set the landlord saw Ambrose and his pupil standing near the inn, by the garden fence, engaged in conversation. They both appeared to be somewhat excited, and from an expression he heard the tutor make, he thought he was angry. The two young men sat down to their supper in a very sullen mood. Early in the evening the landlord showed them to their room, which contained only one bed, one chair, and a small stand on which he set the candle before he left them. The only entrance to the room was from an outside door that opened out on a lawn or garden that extended down to the river.

At a late hour in the morning the landlord went to the room to call the young men to breakfast. He found the door unfastened, and opening it he saw the tutor standing, partially dressed, in the centre of the room. He appeared very much excited, and inquired of the landlord if he had seen the young laird that morning. He stated that when he awaked in the morning his ward was gone; that he did not know where he was, and, said he, "see this blood." The right sleeve of his undergarment was stained with blood. There was blood in the bed and on the floor, and a trail of blood from the bed to the door and from the door along the path that led to the river.

On closer examination the landlord discovered that the tutor had on the pants of the missing laird, and on the outside of the door, apparently concealed in a tuft of grass, he found a large knife with its open blade stained with blood, and on the handle he read with horror the name of Ambrose Guinnip.

The tutor could give no satisfactory explanation of the circumstances. He stated that the evening before they had gone to bed together, and with the most friendly feeling toward each other. He admitted that there had been a slight misunderstanding between them in the afternoon, but said it had been satisfactorily explained. He said that when he went to sleep his pupil was lying by his side, and that when he awoke in the morning the young laird was gone; that he discovered the blood on his arm and in the bed, but could not account for it.

Ambrose Guinnip was arrested for the murder of the young laird, and the case came on for trial at the next assize. The prisoner was a young man of prepossessing appearance. He had the sympathy of court and jury, and plead "not guilty," in that clear, calm tone that always creates in the minds of the hearers an impression of innocence, and which never does and never can come from the lips of the guilty.

I have heard hundreds of men plead at the bar of the criminal courts, and never did I hear a guilty man plead "not guilty" with that peculiar tone of voice and manner, and that indescribable look and bearing that always accompany the plea of the innocent.

The evidence of the crown narrated the incidents that occurred at the inn on the evening of the supposed murder nearly as we have related them. The landlord testified to the fact of the misunderstanding or quarrel between the young men at the garden fence, and stated that he distinctly heard the prisoner say to the young laird — "I'll have the money or your life." He testified, as did others, to the blood on the prisoner's sleeve, the blood in the bed, the fact that the prisoner had on the pants of the missing laird with his watch in the fob thereof. The bloody knife — found in the grass — was produced; on its handle was engraved the name of Ambrose Guinnip; and it was also proven that there was a trail of blood from the door to the river, where it appeared from tracks in the sand that the body of the murdered man had been thrown into the water when the tide was at ebb, and was apparently washed out to sea.

This was the terrible array of facts against the prisoner. In vain he protested that he was innocent. He could not explain the suspicious circumstances and was convicted and sentenced to be hung. In those days justice was swift in executing the mandates of the law, and in ten days after the trial Ambrose Guinnip was executed on the scaffold. Before his death he again and again protested that he was innocent, and while on the gallows, with the rope around his neck, he prayed for his murderers in the language of the prayer from the cross: "Father, forgive them, for they know not what they do."

As soon as the surgeon who attended the execution was

satisfied that life was extinct, the body was taken down and given to a college of medicine and surgery for dissection. The college was located in the town where the murderer was executed, and his body was taken immediately from the gallows to the dissecting-room and laid upon the table. A few moments after two medical students entered the room to look at the corpse.

"Frank, I believe he was innocent," remarked one of the students as he lifted the cloth from the body.

"So do I, Charlie!" replied the other; "there is some mystery about it, but he is innocent; no guilty man could act and talk as he did on the gallows."

"My God!" exclaimed the first speaker, "he is alive—look!! He breathes, and see the quivering of his eye-lids! He is not dead; and we can save him!"

Without a thought of what the legal consequences might be to them, but with professional instinct to save life, they went to work and immediately applied such means for restoring suspended animation as their knowledge suggested. After a few moments their patient opened his eyes and uttered a groan.

"Good for you!" said Frank in an exulting tone, "we have spoiled you for a subject, but we've made a living man of you again."

"Frank!" said Charlie in a doubting tone, "had we a right to do this! You know the law sentenced this man to be hanged."

"Well, Charlie, he was hung, was he not? and then the law gave his body to our college; and it's ours and we have a right to work it up into anatomical preparations, or to make a skeleton of it, haven't we? and if we have a right to do what we please with it, I don't see but we have a right to resuscitate it!"

"I don't know about that, Frank. The law gave us a dead body—as it was supposed. I am afraid we have no right to restore it to life, and that we have got ourselves into a scrape."

"Well, if you think so, Charlie, you can kill it yourself; for I won't—here is a scalpel—suppose you cut ITS throat.

"ITS!" ejaculated Charlie: "ITS! why, IT'S a man, and that would be murder."

"Well," said Frank, "whatever it is, we made it out of a

body the law gave us; and I say it is none of the law's business what we do with it. But let us call the old professor and see what he says."

The professor was called. He was as much astonished and in as much of a quandary as the students; but there was the stubborn fact before them, Ambrose Guinnip was a living man and had now so far recovered as to be able to speak with difficulty. With a feeble voice, he again and again asserted his innocence, and begged them to conceal him until he was able to walk and then permit him to escape.

This the doctors determined to do, and in a day or two the prisoner had so far recovered that he was able to travel, when the students stained his fair complexion with an infusion of butternuts, dyed his hair, gave him a suit of laborer's clothes, a few dollars in money, and closed the doors of the college on him with a feeling of relief. He escaped to Liverpool and enlisted on a board of a man-of-war bound on a cruise to the Mediterranean, and on the evening of the third day after his execution, Ambrose Guinnip saw the shores of England sink into the sea behind him.

A few weeks after the good ship "Warrior" entered the port of Gibraltar. Another large English ship lay there at anchor; and as the "Warrior" passed near to it, the sailors of both ships sprang upon the nettings and greeted each other with cheers in true British fashion. Ambrose was among the sailors of the "Warrior" and on the taffrail of the other ship, swinging his tarpaulin and cheering most lustily, he saw his pupil, the young Scottish laird for whose murder he had been executed.

The meeting on shore the next day between the tutor and his pupil can better be imagined than described. The young laird could hardly be made to believe that a mad drunken freak of his had sent his friend and tutor to the gallows; and, oh! what a commentary was his simple explanation on human laws and human tribunals, where men assume the prerogative that belongs to Deity alone—the right to condemn a man to die, and in haste execute that sentence. Before human laws consign a man to an ignominious death, human tribunals should be infallible in their decisions and unerring in their judgments.

Of all the murders that can be perpetrated, a judicial murder is the most deplorable in its consequences; for it weakens our respect for the law, and makes us doubt the safety and justice of human tribunals. The victim is in his grave, and though his innocence be made ever so apparent, he is beyond the reach of reparation. He transmits a heritage of shame to those that live and loved him, and yet our scaffolds are red with the blood of thousands who have thus suffered ignominy and death through that relic of barbarism called "capital punishment."

But while I moralize, my reader is impatiently awaiting the the explanation.

On the afternoon the two young men stopped at the inn, the tutor had taken off his coat and gone to the well to wash; while he was absent the laird took his pocket-book from the the pocket of the garment and started on a stroll through the village as we have narrated. As he passed along the street he came to one of those legalized curses that exist only among the enlightened people of Christian lands—"A DRINKING SALOON." They are never found among barbarians or the half-civilized nations of the earth. The religions of Mahomet, Buddha and Confucius will not tolerate them. They only grow and thrive in those lands where men are taught to pray: "Lead us not into temptation, but deliver us from evil." There they flourish, protected by law, beloved by politicians and permitted by license.

The young laird could not resist the temptation; he went in and drank. As he was continuing his stroll the liquor affected his brain, as it was wont to do, and he fell to the ground in a fit. A physician who happened to be passing, bled him in his left arm; when he recovered, the arm was bandaged, and he returned to his hotel. At the garden fence spoken of by the landlord, he met his tutor, and not wishing him to know that he had been drinking, he concealed the incident of his illness and the bleeding.

The tutor who had missed the pocket-book and the money, asked his pupil if he had it? The laird admitted that he had, but refused to return it; whereupon the tutor remarked: "I will have the money; upon my life, I will." This expression,

ndistinctly heard by the landlord, was narrated by him at the rial of Ambrose, as we have related.

When the young men went to their room, the tutor undressed first and went to bed, and being very much fatigued he immediately dropped asleep. The laird read a letter from home and then undressed. Before getting into bed he went to the door to bolt it and found that it was fastened with a common latch only, and had no bolt; he then took from the pocket of the pants of Guinnip a large knife and stuck it in the door over the latch and went to bed by the side of the tutor, whose right arm was next to his left.

In the night he awoke and found that his arm was bleeding. Still wishing to conceal the occurrence of the afternoon from his tutor, he arose carefully, and, in the dark, put on the first pair of pants he laid his hands upon, which happened to be Guinnip's, leaving his own, with his watch in the fob, on the chair. With his hand covered with blood he pulled the knife from over the latch, and opening the door, laid it down in a tuft of grass where he thought he could find it in the dark, on his return from the river where he went to wash his bleeding arm. While he was thus engaged, he was captured by that truly British institution, a "press-gang," who were replenishing His Majesty's navy in a most summary manner. He was taken on board the "Sea Bird," a man-of-war then at anchor in the river awaiting the tide; and when morning came he was at sea. He informed the captain of the ship that he was a Scottish nobleman, and was exempt from IMPRESS. The officer did not believe him, and informed him that he looked more like a drunken loafer than he did like a lord of the realm, and ordered him to duty. There was no appeal from this decision; he was at sea, the ship going on a long voyage; he took in the situation at a glance and resolved to do his duty faithfully until they reached port, when he knew he could procure his release if he desired it. This was long before the days of steam or rapid mails, and the ship being at sea for several months, he had heard nothing of the trial and execution of his tutor until he heard it from his own lips at Gibraltar. And thus this complicated web of circumstances was unravelled, and the facts made known to the astonished captains of the two

ships. The newspapers from home found at the fortress gave an account of the trial and execution of Ambrose Guinnip. Their story was confirmed, and they were immediately released and proceeded to make their continental tour, and returned to Scotland a year after, the laird a thoroughly reformed man. The awful incident of the execution of his friend and tutor, caused by his drunken escapade, was a lecture on temperance he never forgot. My story is ended.

"Well!" exclaims my reader, "What of it? where is the moral of that story? I do not see it."

I do not suppose you do, dear reader. What moral would you expect could be drawn from one isolated incident like the one related? What boots it if, through the indirect agency of intoxicating liquor, one innocent man was tried, convicted and executed for a crime he did not commit, when, every hour in the day, somewhere within the boundaries of this Christian and enlightened land, a murder is perpetrated through the direct agency of this petted curse of civilization; when every day in the year some poor victim of our national sin is either sentenced to prison or executed on the gallows, because the law sold him that which maddened his brain and prompted his hand to murder.

CHAPTER IV.

WHISKEY DID IT.

"From palace to prison! How short is the road
Through the fair charmed valley of sin;
How easy the way to the door of the cell—
How hard to escape when once in.
Though many and bitter the fast-falling tears
That drop on the hard granite floor,
The wretch may well cry in despair, Oh ye tears,
Why did ye not melt me before?"

—*Mrs. M. A. Kidder.*

"In the flowers that wreathe the sparkling bowl,
Fell adders hiss, and pois'nous serpents roll."

—*Porter.*

He alone by whom the hairs of our head are numbered, can estimate the crimes that have been committed through the influence of alcohol and the number of criminals it has made. He alone who can read the secrets of the human heart ere the lips have uttered them, can tell how many of the world's great men have fallen through its influence from the very pinnacle of fame to the lowest depths of degradation; how many ruins, and wrecks of human life it has scattered all along the pathway of time; how many widows and orphans are bereaved because of its unnumbered dead; how many noble ambitions it has quelled by shame, and how many of the world's most gifted it has consigned to unknown and nameless graves. He alone

"Whose glance pervades
All depths, all deserts, and all shades,"

knows the ruined families it has made, the gray hairs it has laid in sorrow in the grave; the heart-broken wives and mothers who have mourned with unavailing grief over those they loved, and it had destroyed. Could the walls of our prisons talk, or their iron fetters speak as with human tongues, what tales of

horror could they relate of crimes that never would have been perpetrated but for the influence of the invisible spirit of evil that lurks in every cup of strong drink; and of guilt that never would have existed but for the passion it engendered and aroused.

Governor St. John, the temperance governor of Kansas, in a speech in an eastern city, recently related the following touching story:

"A heart-broken woman came into my office, with a babe in her arms, to beg the pardon of her husband, who was under sentence of ten years' imprisonment in the penitentiary for homicide. She showed papers recommending the pardon from the judge who tried the man, the prosecuting attorney, and other prominent men. After closely examining the papers I said: 'If I were to consult my personal feelings, I should gladly let your husband go; but I am bound by my official duty, and that forbids it.' The woman fell at my feet in a paroxysm of weeping. 'Then hear me,' she cried, 'till I tell you how he came to be where he is. We were married seven years ago; we went to a town (mentioning the place), and there in our little village we were happy. My husband was sober, industrious, and thrifty. By great exertion and self-denial we finally got our home paid for. But in an evil day the State licensed a saloon, and let it plant itself right between my husband's shop and our house. He was prospering so well that he could leave his business in other hands and lose an hour or two without feeling it. He was solicited to enter this saloon, and weakly yielded. Hour after hour he spent there playing cards. One day he became embroiled in a drunken quarrel, and, fired by drink, struck a man and killed him. He was tried and sent to the penitentiary for ten years. I had nothing to live on. By-and-by the sheriff turned us out of our comfortable home to a rough shanty, neither lathed nor plastered. The cold wind came in through the walls and ceiling. My oldest boy took sick and died. Then little Tommy, my next, fell sick and died. Now this baby in my arms is sick, and I have nowhere to take it. The State licensed that saloon; the State murdered my children; and now in God's name I want you to set my husband free.' I said I would—and I *did*."

This incident is but one of millions that have occurred and that will continue to occur until Prohibition shall destroy the cup, or place it beyond the reach of the unsuspecting who are led by its influence to the commission of crime.

The evils of the license system must be apparent to every thinking man. The injurious effects of intoxicating liquor on the human system is demonstrated by science, and its pernicious effect upon the morals of community are so clearly proven by the record of our criminal courts that none can doubt or disbelieve it. To-day there are but few men who advocate the use of alcoholic liquor as a beverage or claim for it any of the Crosbyian virtues seen in it by the learned chancellor. The clergyman who in this country would dare to advocate the use of wine as a proper drink for the people, or who would openly use it himself, would soon be without a pulpit, a congregation, or a claim to public respect.

An incident was related in the *Spirit of the Age* a few months ago that is worthy of being repeated, for it "points a moral."

At a temperance meeting in Philadelphia some years ago, a learned clergyman spoke in favor of wine as a drink, demonstrating it quite to his own satisfaction to be scriptural, gentlemanly, and healthful. When he sat down, a plain, elderly man arose and asked leave to say a few words. He said: "A young friend of mine, who had been very intemperate, was at length prevailed on, to the great joy of his friends, to take the pledge of entire abstinence from all that could intoxicate. He kept the pledge faithfully for some time, struggling with his habit fearfully, till one evening, at a social party glasses of wine were handed around. They came to a clergyman present, who took a glass, saying a few words in vindication of the practice. 'Well!' thought the young man, 'if a clergyman can drink wine and justify it so well, why not I?' So he took a glass. It instantly rekindled his fiery and slumbering appetite, and after a rapid downward course he died of delirium tremens—died a raving madman." The old man paused for utterance, and was just able to add: "That young man was my son, and the clergyman was the reverend doctor who has just addressed the assembly!"

The change in public sentiment on the question of prohibitory laws is significant, and clearly shows that the end of the infernal traffic is in the not distant future. The monstrous incongruities in our laws that license the sale of intoxicating drink, and then punish with a rigorous hand for the crimes that it tempts men to commit, are so apparent that they cannot long withstand the condemnation of public opinion. This blot most foul will soon be erased from our statute books and the next generation will wonder that it ever existed.

The *Inter-Ocean*, immediately after the Christmas holidays a year ago, published a most concise indictment of the crimes and casualties to be charged to the traffic in alcohol, and in conclusion asks a question which cannot be too often repeated:

"HOW LONG, O LORD! HOW LONG?

"A long list of 'shot,' 'stabbed,' 'cruelly beaten,' 'frozen to death,' comes in our exchanges in connection with the rejoicing of the glad holiday week. In nearly every case the explanation appended is, 'Whiskey did it.' A father is made a murderer, a wife a widow, a son a parricide, and a multitude of helpless children shiver, and ache, and starve in cellars and garrets, and of all the same story, 'Whiskey did it.' It would seem as if the unchained Devil needs no captains, lieutenants, nor even an army of workers to bring the race to damnation, either on earth or in eternity, while the agency of free whiskey is guaranteed to him. By it he covers the homes with a mantle of shame and hides every beauty of earth and heaven. By it he smothers all affection and drowns every love-note of music from wife to child. If, in this closing week of 1880, all the stolid misery of the year directly made by whiskey could be gathered in one great company—from marble fronts and from hovels, from prisons and from penitentiaries—men and women might well bow in shame, and, with uplifted hands, exclaim, O Lord, how long—how long shall such a demon rule?"

CHAPTER V.

FAITH AND WORKS.

"A lively faith will bear aloft the mind,
And leave the luggage of good work behind."
—*Dryden.*

"Even so faith, if it hath not works, is dead, being alone.
Yea, a man may say, Thou hast faith and I have works.
Show me thy faith without thy works and I will show thee my faith by my works."
—*James* II. 17-18.

Not long ago, a good old reverend gentleman came into my office and greeted me with: "Good morning Squire! I called to have a talk with you about temperance." And he beamed down upon me with a most benignant smile as he grasped my hand with a kindly pressure. "Yes," said he, "I wish to have a talk with you in a Christian spirit." "Now," he continued, "don't you think you are doing wrong in taking temperance into politics?"

My old friend had been a minister of the gospel for a half a century. For that length of time he had preached an "iron-clad theology to a hard-shell congregation," who regularly went to sleep as the good old man entered on his "thirdly," to awaken at the "ninthly, and in conclusion, brethren", with unerring certainty; and just in time to be so thoroughly aroused that they could join in the doxology with becoming unction.

The world had moved on with a rapid pace leaving my old friend far behind. He had passed his three-score years and ten, and had been a valiant soldier in the army of the Cross nearly all his life. He had enlisted in early manhood and had always been faithful to the trust imposed on him by the rigid discipline of his church. Possessed of undoubted courage, armed only with his Bible, he would unhesitatingly have met the whole host of the adversary and fought them single-handed and alone. If he had been defeated he never would have known it,

but would have firmly believed that he had won a glorious victory.

Yes, he had been a faithful soldier, but somehow he was always in the rear of the army; never was on a skirmish line in his life; but he had always cared for the baggage and ammunition with fidelity. He was always ready to afford the comforts of religion to the wounded and dying and to assure them, "That while many were called but few were chosen," and that if they belonged to the fore-ordained few, and had always kept *all* the commandments, and believed the true doctrine of salvation, there was a possibility that they might be saved. And he never doubted but that these cheerful doctrines had soothed many a dying hour, and closed in confidence the eyes of many as they looked upon the earth for the last time. He was one of those good souls who believe that faith is an Archimedean lever that could move mountains and cast them into the sea; but that disbelief was a sin only to be atoned for by an eternity of punishment. He believed that prayer and moral suasion were the only means by which men could be made better and more obedient to the law in this world.

"Now Squire," said he, "don't you see that the Saviour and his apostles never used force to convert men. They preached a gospel of love; and told us that when a man smote us on one cheek we should turn to him the other also. Moral suasion is the only method to convert men; and attempting to compel them to abstain from drink only makes them drink more. No! we should try to persuade them—pray for them and then trust to Providence for the result."

I knew him so well that I did not try to argue the question with him; for I knew that if he had any doubts of the truth of his theory, controversy would only remove them and confirm him in his opinion. I told him I would think the matter over and at some future time would give him the result of my reflections.

A number of months after my old friend called to see me again. He did not seem so cheerful as on the former occasion and evidently was in trouble.

"Good morning, Squire," said he, "I called to ask your advice. We have been carrying on a revival meeting at our

church for some time, and a lot of wicked young men have been in the habit of attending for the purpose of annoying us by their noise and wicked conduct. Last Saturday was pay-day at the iron works, and when they get their wages a number of them get on a spree. They go to Mr. B———'s saloon and get drunk. Last Saturday evening they came to our church and made so much noise that they disturbed us in our worship, and I had to dismiss the congregation. This morning I got a list of their names and come to you to see if they cannot be arrested and punished. It must be stopped some way."

"My old friend," said I, "their conduct is the legitimate result of the liquor traffic. Did you ever try moral suasion on them to see what effect it would have?"

"Oh yes, Squire. I went to see them before I came here and pointed out to them the error of their ways, but it did no good."

"What did they say to you?" I inquired.

"Oh, one of them told me to pull down my vest, and another asked me to wipe off my chin, and the ringleader of the gang asked me how much I got a day for puddling in the furnace of the Lord? I do not know what they meant by their remarks, but the interview was not satisfactory and I think we must have them arrested and punished."

"Well," said I, "of course we can arrest them and the court will punish them by fine and imprisonment, but do you think that would be right? Is it right to compel men to keep sober and behave themselves as good citizens should? You know the Saviour and the apostles never used force. They preached a gospel of love, and you remember that the Bible says 'If thine enemy smite thee on the one cheek turn to him the other also.' Don't you think you had better try moral suasion and prayer and then trust Providence for the result?"

"No, I don't, Squire; no, I don't think so," he replied. "It's no use; I guess we'll help Providence a little and have them arrested and punished, and then pray for them afterwards."

I did so; they were fined and imprisoned a few days, and the superiority of prohibitory laws over moral suasion was clearly demonstrated in their case, for the meeting was dis-

turbed no more, and very much to my surprise my old friend has been an active advocate of prohibition ever since.

I know it is a very common thing for a certain class of good Christian people to depend on prayer in all reformatory measures, and put their trust in Providence as if they expected that the Creator would do all the hard work in reforming men, and they reap the benefit.

I do not believe in this doctrine. I hope I am a firm believer in an over-ruling Providence and the efficacy of prayer when properly understood. Yet I can fully appreciate the advice said to have been given by Cromwell to his soldiers as they were about going into battle: "Men, put your trust in Providence, but keep your powder dry." I have an abiding faith in good works as a means of reforming mankind, and that "The gods help those who help themselves."

There is a class of lazy Christians in the world who place entirely too much trust in Providence and too little in themselves; who would not go into the slums of vice and moral pollution and lift up from the mire of degradation a fallen man or woman, but who, seated of a Sabbath in their cushioned pews in a fashionable church, read their prayers out of gilt-edged prayer books, and expect Providence to do all the unclean work, while they assist only with devotional approbation. These people trust in Providence, but I am afraid the trust is not mutual. They have confidence in their Creator, but I am afraid that confidence is not reciprocated.

I know that it is a common expression of Christian men and women "That we trust in Providence and believe that He doeth all things well"; but I am afraid it is not true; that it is a cant-phrase and meaningless unless it is accompanied with the belief that Providence will bless not our idleness but our efforts to do good.

Why should people trust or expect Providence to accomplish their wishes in the reformation of their fellows any more than they do to accomplish their projects or desires in their business transactions? No man trusts to Providence alone in the every-day affairs of life. The farmer plows and sows, and then hopes that Providence by the operation of inevitable laws will *help* him to reap an abundant harvest. But his faith is based upon

the consciousness of his own good works, and vain indeed would be the supplications of a shiftless, Christian husbandman who would kneel in the midst of his uncultivated fields and pray for the wealth of golden grain that his industrious neighbors reap as the reward of their patient toil. Faith without works is of no avail in the business marts of the world, and prayer is often a subterfuge by which lazy Christians seek to evade the labor of good deeds.

Neither prayer nor trust in Providence will reform men or abolish the liquor traffic. We must use the means ourselves, then our acts will be blessed with divine approval and assistance.

A good, pious, old lady was once driving to town on a market day with a cart loaded with vegetables. As she was going down a long hill her faithful horse, for the first time to her knowledge, in a long life, became frightened and started to run. The old lady, with a skill and pluck equal to the emergency, retained her seat and clung to the reins until the foot of the declivity was reached, when a collision with a stump stopped her impetuous career, and deposited her on the ground among her disorganized commodities.

Some kind neighbors came to her relief, captured her vagrant steed, repaired the broken harness, righted the wagon and replaced it in the road. The old lady was uninjured but badly frightened.

"Were you badly scared, mother?" inquired a neighbor in a tone of sympathy.

"Oh, no!" she replied naively, "I put my trust in Providence 'till the breeching broke. Then I didn't know what on airth to do."

Now, the fact is that a proper trust in Providence is very much like the good old woman's. If in the affairs of life we only make the harness strong enough, we can safely trust in Providence for the result. And in this temperance movement we must look well to the devices by which the car of reform is drawn along and Providence will bless us as we [illegible] its service.

If eighteen hundred years of Christian faith and moral suasion have failed to abolish the sin and curse of the liquor traffic,

it is time to try the force of the ballot of public opinion, sustained by the power and majesty of the law; and if we are at last compelled to appeal to the ballot to abolish it then it *has* become a political question; but it has lost none of its moral features thereby. And if ministers think their churches and their religion so pure that the discussion of this political question would profane the sacred desk, how can they ask Providence to touch it with his divine finger, or to bless the temperance movement as a means of reforming men?

It seems to me that any measure that the ministry can endorse by their prayers, and ask God to bless, would be a most proper subject to be expounded in "His holy temple."

Now, I would not presume to criticise the ministry, albeit, as a class they are not particular as to what they say about us "outside barbarians of the law." Yet I do believe that if we really had more moral suasion from the pulpit and less theology the world would be all the better therefor. From most of our pulpits we have only three or four temperance sermons preached in a year, and from some of them not one word, lest some prominent pew-holder should be offended; while the question of original sin has long since been worn threadbare by the constant attrition of many tongues.

If the ministry would only preach more of present sin and the means of avoiding it, and less of its primogenitor, the world of to-day would be the better therefor.

For my own part I do not care how sin first came into the world, or whether it came from the original depravity of the human heart or by a fraud perpetrated on a woman in a garden. I know it exists now, and it is the curse of the present disease that the world of to-day is the most interested in.

If I were a minister, and should so preach the gospel that I could reform the drunkard and bring smiles of happiness to the pallid face of his heart-broken wife, and give back to his starving children a father's love and care; if I could reform the fallen prodigal son and make him return penitent to his father's house; if I could cause the drunkard to pause in his downward course and make the lips stained with profanity utter prayers of contrition and repentance, I would not care whether my converts believed that baptism was a saving ordinance or not; but I

should believe that Providence had blessed my efforts in behalf of my fellow-men.

There is a "saving ordinance" that I do believe in. It involves no subtle question of ethics. It requires not the learning of the theologian to understand it, or the knowledge of the scientist to comprehend it. It is an ordinance that would keep from the people, by the power of law, the great source of crime, disease and want; that would keep from the lips of men the cup that kills both soul and body; that denies the right of the commonwealth to license the murder of her citizens or to fill her treasury with the price of the blood of her people.

That ordinance is PROHIBITION.

CHAPTER VI.

ANALYSIS OF A BOTTLE OF WHISKEY.—A NEW TEST OF POISON.

All things are big with jest; nothing that's plain,
But may be witty, if thou hast the vein."
—*Herbert.*

Thirty years ago I was practicing medicine and surgery. Full of the ambition incident to youth, cheered by hopes and anticipations never to be realized, I had opened a modest little office in the thriving village of M———, in western Pennsylvania. A glittering sign over my door informed a suffering public that I was ready to attend the sick, either by night or day, whenever my valuable services might be desired. I had many doubts as to the certainty of diagnostics, and therefore had determined to adopt the theory of the celebrated Dr. Colton, that "the true secret of success in the practice of medicine was for the physician to tickle the fancy of the patient while nature performed the cure." I had confidence in my own ability to perform the duties devolving upon me, and if nature would only do her part, I had no doubt but that I would ultimately acquire a large and lucrative practice.

Extending along one side of my office was a medicine case filled with scientifically labeled bottles, and conspicuously placed in the center was one labeled "RYE WHISKEY." This law-favored beverage was much used by the physicians of my day as a solvent in the various tinctures and solutions used in the "heroic practice" of allopathy a quarter of a century ago.

By an act of assembly of our commonwealth, when a physician or druggist puts up a prescription that contains a poison, he must mark the bottle or package that contains it with the word "POISON." written or printed so plainly as to be

easily read by even the comparatively uneducated. The bottles on his shelves and the drawers in his case must also be so marked.

When I arranged my medicines I paid strict attention to the requirements of the law. Every bottle was properly marked, and when I came to the one containing "Rye Whiskey," I exhausted my artistic skill in delineating with horrible truthfulness a "death's head and cross bones" above the label, with the word "poison!" printed in startling distinctness beneath. I hoped that this great truth, thus forcibly expressed, would be a warning that would arrest the hand of any careless visitor who might call during my temporary absence. But alas!

"The best laid schemes of mice an' men
Gang aft agley,"

and my hopes were vain, for frequently, on my return from my morning calls, I observed that the contents of the bottle were gradually diminishing. At last they disappeared entirely, and death grinned horribly from an empty bottle, whose treasures even his ghastly emblems were unable to protect. Had I but thought a moment, I might have known that the picture of the "king of terrors" would have produced but little effect on those whose enthralled appetites had so often led them into his actual presence.

In my medical and college course of study I had paid especial attention to the science of chemistry, and more particularly to that portion of it technically called "toxicology." I had been frequently called upon to make examinations in cases of suspected poisoning, and had acquired considerable skill in detecting the germs of death hidden in the various combinations of nature's elements.

Across the street from my office was situated the office of Thomas B——, "attorney and counselor at law." He was one of my most intimate friends—well read, a man of intellect and culture, an incorrigible wag, a very prince of good fellows," but like very many genial, whole-souled men, he—well! he did not belong to a temperance society,

"Bertram had but one enemy—
Bertram's enemy was Bertram."

An intimate friend and associate of both of us was one Capt. John McA— , who, like Tom, loved a joke, despised "temperance fanatics," and did not believe in the propriety of a man "signing away his liberty."

Occasionally, as I would be returning to my office after a short absence, I would see my two friends coming out of my door, and I observed as incident thereto a diminution of the contents of the bottle with the ominous label. I was not a lawyer then, and did not understand the science of circumstantial evidence, and of course suspected nothing; yet the coincidence did seem to me rather singular.

One day my friend Tom came into my office accompanied by an old man whose appearance and "style of get-up" partook of the primitive simplicity incident to the rural districts of our county. His language was that of a person of pastoral tendencies and limited educational advantages, yet the color of his features indicated a "*cultivated taste.*" Tom's face wore a lugubrious expression, while the concentrated gloom of a whole funeral procession overshadowed the features of his companion.

From the folds of a red cotton handkerchief Tom took a quart bottle two-thirds full of some "fluid extract," and setting it on the table said:

"Doc., I want you to analyze this whiskey and see if there is any poison in it. My old client, Horatio H——, thinks his wife has been trying to murder him."

"What makes you think so, my old friend?" I inquired of the dilapidated specimen of "the bone and sinew of our country." "What makes you think that your wife would poison you?"

"Waal! I'll tell ye, Doctor," he replied. "The old woman and I don't hitch very well. She's got a lot of fool notions in her head about temp'rance—wanted me to 'sign the pledge;' an' she tole me if I didn't quit drinkin' I'd git a dose some day as would lay me out colder'n a wedge." I didn't think nothin' of it at the time—I jist thought she was kind o' moralizin' like. Waal, last week she was comin' to town, an' I gin her a dollar

an' tole her to git me a quart of the best whiskey she could find. I wanted it to put some yarbs in fur my rumatiz. Waal, she brought this stuff home an' sed she'd got it at a drug store. I tuk a drink an' it did'nt taste right. It was kind o' greasy like when I swallered it—it didn't *ketch on* as it orter done, an' it made me sick as a dog. I jist believe she put pizen in it, an' I'm goin' to 'rest her for salt an' battery with 'tent to kill an' murder me, I am! It's them infernal temp'rance lecturs that put it in her head, an' I know it."

Tom assured me that it was most probably true—that there were other suspicious circumstances in the case, and I took the bottle, promising to analyze it in two or three weeks.

My friend and his client retired, and I set the bottle away for a few days, to see if any sediment would settle on the bottom. Of course I did not know but there might be some truth in the old man's suspicions. I had known of several such instances of "connubial felicity" before. Only a year previously I had attended a post mortem examination of the body of a man in an adjoining county who had been a drunkard for many years, and who at last had been poisoned by his affectionate wife and her paramour. I analyzed the stomach and intestines of the murdered man and found arsenic in large quantities. Yet the poison had only shortened his life a few days or weeks at the farthest. The walls of the *pyloris* had thickened so much as to nearly close the orifice from the stomach into the *duodenum*, and he must have died of starvation in a short time. This is one of the well-known effects of alcoholic drinks; and if every intemperate man could only see the appearance of the mucous membrane of his stomach, it would be to him a lecture much more effective than any that ever fell from the lips of the "temperance fanatics." The effects of alcohol on the digestive organs are as certain and well marked as those of any other irritant poison. Congestion of the blood vessels, ulceration and the complete destruction of the secretory organs, are among its well known results. From these consequences none can escape who use it as a beverage. The laws of a Christian commonwealth may license its sale and sanction its use, but they cannot mitigate its deadly effects on an abused organism. As well might the law attempt to prevent the generating of the poisonous miasm in the

stagnant pool, or prevent its rising under the rays of a summer's sun, as to control the effects of alcohol where by license its sale is permitted among the people. The last sentence suggests an argument.

Suppose that a stagnant pool of water was located in the center of a populous district; that from it there flowed in every direction innumerable small streams carrying its disease-laden waters along every thoroughfare, until the whole atmosphere was poisoned by its contagion; that hundreds and thousands of men and women annually died from its infection; would not the people become alarmed and demand of the controlling power of the country that instant and complete sanitary measures be adopted to remove the cause of disease and death in our midst? And how would it be done by a wise and careful government? Would laws be passed permitting the flow of the streams and making only a few feeble efforts to purify their waters or restrict the course of their currents? No! So feeble a remedy for so great an evil would be a marvel of stupid legislation, even by a Pennsylvania legislature. The people would demand more than that, and woe to the aspiring politician who heeded not their demand. "DRAIN THE POOL TO THE VERY BOTTOM!" would be the order issued by the sovereign voters to their servants in the halls of legislation; and the representative who dared to disobey would be forever ignored at the polls and by the ballot.

And thus it is with the great cesspool of drunkenness, disease and crime, whose poisonous waters flow into every town and village in the land. There is one remedy, and only one, for the multitude of woes these waters bear upon their surface, and that remedy is prohibition, strict and absolute. DRAIN THE POOL OF ALCOHOL TO ITS VERY BOTTOM. Stop the flow of its plague-infected streams, and moral health and prosperity will as certainly follow as the light of day follows in the pathway of the sun.

But I have wandered from my story. As I have said, I did not know but that the suspicions of Horatio were well founded, and that a much-abused wife had forestalled time a few days, and only hastened the inevitable end. And it did look a little suspicious to me that the "old woman" had gone to a drug store

to obtain the liquor, when almost every street and alley in our village was polluted with the presence of the licensed saloon and "sample-room," where a much cheaper article could be purchased in quantities to suit the means of the purchaser, from the three-cent glass for which the starving beggar exchanges his last penny, to the dime-libation with which the temperate drinker feeds his fast growing appetite.

A few days after the liquor was left I gave it a careful examination. Whatever the poison was, it had completely dissolved. This led me to doubt the presence of arsenic, which is sparingly soluble in liquor or water.

I took a small portion of the contents of the bottle and proceeded to carefully test it; but on the most complete analysis I could make, I found no signs of any poison other than the villainous compound always contains. No; there was no poison such as had been suspected there. It was an unusually pure quality of "Old Monongahela Whiskey," such as the stomach of Horatio was unaccustomed to, and probably surprised at the quality of the liquor, that astonished organ had rejected it. Time had oxidized its "fusil oil" and given it a smoothness incident to age. This explained why it did not "*ketch on*"—as Horatio said—as it passed down his well-trained throat. Yes, it was evident he was accustomed to the licensed beverage, and he missed its usual tracks or footprints on its passage along the well-worn pathway. Evidently, the "old woman" had faithfully obeyed instructions—"to buy a quart of the best whiskey she could get;" and Horatio, not feeling the claws with which new corn distillation is armed, thought he had swallowed a poison.

But there was no poison such as the law recognized there. It was "pure rye whiskey," and was not in a legal sense adulterated with any compound injurious to health—for our courts have so decided. True, it was full of crime and sin, but chemical science had discovered no test which would detect these terrible ingredients. No; the alembic and retort had no power to develop and make visible the demoniacal spirit that pervaded every drop of the infernal compound. To detect this embodiment of all that is evil required the analysis of human experience in

the various thoroughfares of men. The criminal courts of the country are the laboratories where this law-licensed poison is tested and its terrible effects made manifest to the people; and yet the people sanction its use, petition the courts to license its sale, and pay the penalty it imposes upon them in taxes to support the tribunals created to punish the crimes it begets. Oh, shame on the Christian enlightenment that will ever tolerate its existence in a land of schools and churches. Shame on a great commonwealth, that by prostituting the broad seal of its power to legalize its sale and use as a beverage, becomes accessory to all the crimes it commits.

After I had tested the liquor until I was satisfied there was no poison in it other than the law sanctioned and approved, there remained over a pint of the contents of the bottle. I thought it a pity to waste so much, and wishing to prove the accuracy of my chemical skill, I turned the remainder into the bottle in my medicine case. While doing so I thought that death winked one of his horrible eyes in ghastly appreciation of the probable result.

A few days after I noticed that a considerable portion of the suspected liquor had *evaporated* in the former mysterious manner. Meeting my friend a few days after, he inquired if I had analyzed it, and whether I had found any poison.

"Yes, Tom," I replied, "I have tested it thoroughly, and am satisfied that it contains a most deadly poison, and will so testify in court."

"What kind of poison?" he inquired.

"A narcotic irritant;" I replied; "a compound of hydrogen, carbon and oxygen, most certain and fatal in its effects."

Tom was not scientific. The technical terms had an ominous sound, and he was convinced that there had been a most diabolical attempt to murder his respected client.

The same day I met Horatio in the street. "Doctor, did you find any pizen in the whiskey?" he inquired.

"Yes, my old friend, I did find poison in the liquor you left with me—a deadly poison that has killed a great many men; but I don't think your wife put it in the liquor."

"Yaas she did! Doctor," he replied, "yaas she did! Lord a-massy! she intended to kill me, sure's you're born! I know

the old woman better'n you do. She'd do it in a minnit if she tho't she could and not git kecht at it"—and he started for the office of his attorney with a speed that must have surprised his rheumatism.

A few days elapsed, when I was subpœnaed to appear and testify in a complaint made by Horatio against his wife before Justice Samuel D—— (his name was not Dogberry, but if intellectual traits of character are any evidence of lineal descent, it ought to have been). A warrant had been issued and a day in the near future "fixed for the hearing."

In the mean time I had observed a daily and constant diminution in the contents of the bottle on my shelf; when at last, coming into my office one day after a short absence, I caught my two friends, Tom and Capt. Mc., in "*flagrante delictu.*" They had finished the last drop. As I came into the door Tom remarked, with the utmost nonchalance, "Doc., that last was better liquor than you usually keep. I wish you would get some more like it."

I assured him I would, and together we walked down to the office of the magistrate where the hearing was to be held.

The criminal—an old lady very like her husband in the externals of life—was already there with her attorney, a sharp, keen-eyed barrister, who saluted me with a vicious smile as I entered the halls of justice. The room was crowded—all the neighbors had come to town to listen to the terrible charge that had been made against one of their number by one of themselves. The "court" was seated in solemn majesty on the upturned half of a dry goods box, which formed the pedestal of the throne of justice. It was evident from the first that his sympathies were with the commonwealth, for in his view of the case, there could be no crime of greater magnitude than that of spoiling a quart of whiskey by the addition of any substance that would render it unfit to drink.

The court was called to order, and Tom opened his case with a pathos that evidently affected "his Honor." Horatio took the stand as a witness, and related his knowledge and experience in the transaction with well trained circumspection. When he left the witness stand the neighbors looked at each other and shook their heads ominously.

Next I was requested to "take the stand," and after taking the usual oath, administered by the justice in a most impressive manner, I awaited coming events with the awe and perturbation of mind incident to the inexperienced witness.

The examination was commenced by the attorney for the commonwealth as follows:

"Doctor, are you an expert in the science of chemistry?"

I answered that I did not think I was an expert, yet I had made it a study and had some knowledge of the science.

My modesty almost ruined the case of the commonwealth, for the defendant's attorney immediately objected to my testimony on "the ground of incompetency." He stated that I must know myself better than the court did, and that as I had stated that I was *not an expert*, my testimony ought not to be admitted.

Tom replied with great learning and eloquence. The justice took a few moments to consider, looked solemnly at the ceiling for a few seconds, then into the regions of infinite space beyond the audience, and finally, after consulting a law book labeled "Grayden's Forms" for the space of ten minutes, he decided that he would hear my testimony, reserving the question of my competency or incompetency to be determined after he had heard my evidence; very sagely remarking that "he could not tell whether I was competent or incompetent until he heard what I had to say."

This point settled, Tom proceeded:

"Doctor, did you analyze the contents of the bottle referred to by the complainant in his testimony?"

Ans.—"I did test it until I was satisfied with the result."

Ques.—"Did you find any poison in the bottle?"

Ans.—"I did find a poison—nearly a quart of it."

Ques.—What kind of a poison was it?"

Ans.—A narcotico-irritant poison of very pure quality, and quite rapid and certain in its effects."

Ques.—"Is that poison ever fatal? does it cause death?"

Ans.—"Most certainly it does cause death. It is probable that it has killed more people than any other poison known in the pharmacopœia."

Ques.—"What is the common name of the poison, and what aste has it?"

Ans.—"It is commonly called 'pure rye whiskey,' and as o the taste, you had better call Capt. McA., as he—and you—lrank all that was left after I had tested it. You thought it ery good liquor."

For a moment there was a silence in the room. Slowly—ery slowly—the joke seemed to penetrate the understanding of the audience. Then a contagious smile spread from face to ace. Tom looked at me a moment in unutterable astonishnent, then arose with solemn dignity and addressed the court s follows:

"Your honor! What I am about to state is the result of nature reflection and long experience. I have never in my ife known a temperance fanatic that could be trusted, or that vas not a swindle clear through to his bones!"

Tom left the office, followed by his client. The court ooked down at the defendant's counsel and remarked, "Mr. '., on the reserved question, I am now of the opinion that this ritness is clearly incompetent to testify in this case. Evidently ie is not an expert, and his opinion is entitled to no weight vhatever. The complaint is dismissed; the defendant is dis-charged without day, and this court is adjourned."

A few hours after the hearing, while sitting on my office orch, I saw Horatio and his good old wife pass my door. They vere seated amicably side by side on a board laid across the box of a dilapidated wagon, the vehicle being drawn by two steeds of venerable appearance and most sedate and quiet demeanor. There was nothing in either team, wagon or its occupants that n the least violated the law of "the fitness of things." All vas harmony without, and from the smile with which they greeted me as they passed, evidently all was peace within. But poor Tom! It was a long time before he heard the last of the nemorable trial. Years after the event, as he would be passing by the door of a saloon or "sample-room," some kind friend would greet him with, "Tom, let's go in and analyze."

But I did not escape so easily. The "men of good moral haracter," from behind the bars of their licensed rum-shops poured out the vials of their wrath on my devoted head. Even

one of our local papers censured me in a lengthy article, that had the aroma of "beer and sweitzer," for "making a joke of the solemn forms of law and justice." Yet I had but stated the truth under oath, and for this I was censured by that favored class of our community who are licensed to sell poison without its label on the bottle. Verily, do not the Christian voters of the country

> "Compound for sins they are inclined to,
> By damning those they have no mind to."



DRIVING HIM TO HIS GRAVE.

CHAPTER VII.

HYDROPHOBIA AND WHISKEY-PHOBIA.

"And in that town a dog was found,
As many dogs there be,
Both mongrel, puppy, whelp and hound,
And curs of low degree.
* * * * * *
The dog, to gain his private ends,
Went mad and bit a man."

—*Goldsmith.*

Mad dog! mad dog!! mad dog!!! The cry startled the denizens of a street in our city one summer morning. It was taken up and repeated by every vagabond throat and slanderous tongue along the thoroughfare, and all the inhabitants thereof rushed to the doors of their domicils to see this common enemy of mankind. The shops, stores and offices poured out their occupants, and the saloons vomited forth their usual contents of gentlemanly habitues and ragged loafers. From my office window I looked into the street and saw a large pacific-looking dog deliberately trotting along the centre of the roadway.

"His hair, his size, his mouth, his lugs,
Show'd he was nane o' Scotland's dogs;
But whalpit some place far abroad,
Where sailors gang to fish for cod."

He was rather a respectable looking dog, albeit he was dusty and travel stained, and his lolling tongue showed that he was weary and overcome with the heat of the day. He was evidently a dog of bucolic tendencies, from some distant rural district, unacquainted with the fashions and ways of city life, and therefore he eschewed the side pavement and adopted the "middle of the road" as the least obstructed pathway, or perhaps the instinct of self-preservation led him to prefer the

centre of a street, whose sides were lined with beer saloons, and thronged with the "traveling public." With a drooping head and an absolute indifference to the clamor around him, he proceeded on his way evidently intent on minding his own business. This of itself was a suspicious circumstance in the eyes of that valuable class of citizens who run our elections, discuss and decide all grave questions of government over mug and pipe, while less patriotic men are selfishly absorbed in the great business and financial projects of the world. There was another suspicious circumstance connected with the dog; one that in this just-feeling world is frequently considered the strongest evidence of guilt of some kind—he was a stranger; there was not a side-walk cur, a street-corner puppy, or saloon-favorite that knew him, and as he passed along the yelp and bark of suspicion assailed him as it has many another stranger in the thoroughfares of life, who has been so industriously engaged in his own affairs as to appear indifferent to those of the great public. With imperturbable gravity the dog trotted along seemingly unconscious of the clamor that followed him. What gave rise to the suspicion that he was mad, or who first uttered the charge, none knew or stopped to inquire, but with the peculiar sense of justice and innate charity of mankind, the slander when once whispered was repeated in stentorian accents by all who heard it. It is perhaps one of the most amiable and and praiseworthy traits of the human character, that we are all so willing to guard the public from moral or social imposters, and are so ready to warn our associates—in a whisper—against those about whom somebody has intimated that there is something wrong or disreputable. We are all so conscious of our own perfections that it makes us heartily despise the weaknesses of our fellows, and when we hear of some masculine impropriety or feminine frailty, the readiness with which we put our neighbors on our guard against our sinful fellows, shows how deeply founded are our own virtuous instincts, and how Gibraltar-like we are fortified against all attacks from passion and appetite. It is a most cheering thought to us, individually, that we have so few of the failings incident to humanity, so few of either the moral or physical diseases that affect our neighbors, and the pleasure with which we rush to our doors and shout

mad dog! mad dog!! at every suspicious passer-by, is but an evidence of our abiding faith in ourselves; our intimate knowledge of the idiosyncrasies of mankind—and ignorance of our own.

I do not know whether our dog thus reasoned as he passed along the street amid the shouts of a justly-alarmed populace; but with imperturbable gravity and indifference to public opinion he pursued his way. And judging from the expression of contempt in his askant glance at saloonists and the "traveling public," his canine philosophy was probably running in the same channel with that of Luath and Cæsar:

> "When up they got and shook their lugs,
> Rejoiced they were na men but dogs."

He passed two squares in safety, assailed by nothing but the yelp of the mob that thronged the side-walk; when at last, as he passed a saloon, one of the inmates ran out and hurled a stone beer-bottle at him. This was more than the noble animal could stand. Had the missile been a club or a brick-bat it would most probably only have hastened his steps, but a licensed beer-bottle was an insult not to be overlooked. He turned savagely towards his assailants with a growl that made the valiant crowd retreat suddenly within the saloon where they took refuge behind the counter. The dog followed them to the door when his nostrils were assailed by the odor of the licensed nastiness within. Pausing he snuffed the tainted air a moment, dropped his tail in disgust and was turning away when a policeman, with a brilliant star on his coat, and a countenance glowing with beer and a sense of official duty, came up and with a revolver shot the persecuted animal to death. He fell upon the pavement. While in his last struggles, the crowd that surrounded him jeering at his dying agonies was thrust aside by the stalwart form of a man dressed like a husbandman from the primitive settlements on our frontier.

"Who killed my dog?" he shouted in tones of thunder, as he glared around upon the crowd with a glance of unmistakable import. "Show me the d—d scoundrel that shot my dog," he repeated.

"I did it," said the policeman who stood with the revolver in his hand.

"What for?" inquired the angry tiller of the soil as he stepped towards the officer whose face paled before the anger of the old man. "What for?" he repeated, while an ominous light gleamed from his eyes, and before the guardian of the peace of the city could answer, a blow from the gigantic fist of his interrogator sent him into the gutter in almost as lifeless a condition as the poor dog. Other officers of the police force came up and with some difficulty the belligerent owner of the dog was arrested and taken before the city magistrate, where a complaint was duly made against him for an assault and battery on an officer while discharging his duty.

When arraigned and asked if he struck the officer, he replied, "I don't know whether he's an officer or not, but I knocked the galute down that killed my dog. Of course I did. What did he kill my dog for, I want to know?"

Here the magistrate informed him that it was now "dog days," and that a city ordinance authorized and directed any policeman to kill any dog found running in the streets without a muzzle on.

"What for?" again inquired the culprit, "what do you want to muzzle the dogs for, I don't understand. I wouldn't a took a hundred dollars for old Tige."

The magistrate explained to him the reason for the ordinance: told him that the people were afraid of hydrophobia, and then fined him ten dollars for the assault upon the officer.

"Hy-dro-fo-ba!" said the old man in a contemptuous tone as he drew a well-filled buckskin pouch from a pocket in his trowsers, that was at least eighteen inches deep, and deposited a ten dollar gold piece on the desk of the magistrate. "Hy-dro-fo-ba! Wal, 'Squire, I'll jest tell ye what I think. I think this is a right pert town of your'n, but it's in a cussed sight more danger from whiskey-fo-ba than hy-dro-fo-ba, and when you're so ——keerful about the dogs, why in h—ll don't you muzzle the whiskey? I seen twenty fellers up where they shot Tige that was bit with whiskey a durned sight worse than any dog could bite 'em, even if it had the hy-dro-fo-ba. Good bye, 'Squire! I don't hold no grudge agin you, but d——n the foolishness of

a town that'll muzzle the dogs in dog days and license whiskey all the year round. I say there is a dozen whiskey shops on this street, and I tell you, 'Squire, they'll bite more men to death in one year with the whiskey-fo-ba, than all the dogs with the hydro-fo-ba since you was born. Now don't you forget it."

The countryman departed; the crowd dispersed, and I went to my office full of food for reflection, and I thought that my old friend from the rural districts had enunciated a wholesome truth; that although his language was not in accordance with æsthetic rules, and was somewhat tinctured with profanity, yet like the oath of Uncle Toby in Tristam Shandy, the truth of the statement, and the cause in which it was uttered, sanctified the mode of expression. His remarks suggested the question: How shall we muzzle the whiskey, that "biteth like a serpent and stingeth like an adder?" There is one way, and but one, and that is by the power of the law. Bind upon it the muzzle of prohibition, and in the life-time of this generation hundreds of thousands of men and women will be rescued from drunkards' lives and paupers' graves.

CHAPTER VIII.

THE TWO FLOODS.

"To shun the allurement is not hard
To minds resolved, and well prepared;
But wondrous difficult when once beset,
To struggle through the straits and break the involving net."
—*Dryden.*

"The gods from heaven survey the fatal strife,
And mourn the miseries of human life."
—*Dryden.*

The prisoner stood before the court awaiting his sentence. He had plead guilty to a violent assault and battery on his wife and family. He was well known to the judge and members of the bar; had once been a respectable merchant, noted for his honesty and benevolence; now he was a moral and physical wreck, and his family were supported by public charity. His Honor looked at him with a kindly expression, as he turned over the leaves of that record of sin and shame, "The Criminal Docket."

A moment's pause, and the judge said, "John, I am very sorry to see you here again, and for the same old offense, that of abusing your wife and little children. When you were here before you promised us you would do better; that you would abstain from drink and become again what you once were, a sober, industrious man and a good citizen. I fear we shall have to make an example of you this time. What have you to say in extenuation of your offense?" The prisoner hesitated a moment and then in a voice trembling with emotion, said: "Your Honor, I did try to keep my promise. I did not touch liquor for over a year. I love my wife and family, and while I was sober I worked hard to support them and we were living happily. My children were well-clothed and were going to school. When I returned to my home after my day's work my wife

would meet me with smiles of love and welcome as she used to do in those happy days long past, and I was confident that I had conquered my habit of drinking. I avoided every place, even every street where liquor was sold, and thought I was safe. Last spring Mr. ——, who lives the next door to me, applied for a license to keep a *drinking hell*, you call it in court an *eating-house*, but you know better; you know that the principal object in all those places is to sell drink to such as I am. This court granted him a license. When I heard of it I went to my landlord and tried to get him to take my lease back and let me move away from the trap the law set for me and all like me. He refused and would not release my household goods from the rent on the lease, and I was compelled to stay. Soon the saloon was opened and every day and every night it was filled with men who were drinking their property away as I had done. Every hour I was at home, through the window of my room I could see and smell the accursed stuff. My appetite returned; my desire for drink became so strong that at times I dared not go home for fear that I could not resist the temptation you licensed to beset me at my very threshold. I did try; God knows I tried to keep from drink. One night as I passed the door of the saloon an old friend saw me and came out with a glass of liquor in his hand and urged me to drink, and I did —why I did, I cannot tell any more than I can tell why my heart beats, or why I breathe. I only know I could not resist and that I drank of the cup you had licensed, and then I became a devil. I don't know what happened after that."

"John," said the court, "I do not know what to do with you to prevent the reöccurrence of your abuse of your wife and children. You have been three times before us for the same offense—and—"

"I'll tell you what to do," said the prisoner, interrupting the judge. "Send me to prison for six months If you cannot keep the liquor from me, keep me from the liquor until I have fought the battle over again and conquered myself once more. Then I will move away from the saloon, and by God's help I will try once more, and if I fail I will kill myself, and the courts that helped to make me a drunkard will be rid of me forever.

He was sentenced as he wished and that sentence has not yet expired. What the result will be none can tell, but every one can and must see that such men as the unfortunate prisoner can only be saved by prohibition. There are thousands like him in our land who would do better if they could; who are struggling against the overwhelming flood of appetite and desire, who can only be saved by the power of prohibitory laws.

Surely our law-makers would, if they could, stay the waters of an inundation, or the flames of a conflagration that was sweeping over our land destroying the property and lives of our people. How can they be so apathetic in regard to this great evil, compared with which the ravages of flood and fire dwindle into insignificance.

To-day the waters of the swollen rivers of the North are sweeping over the South with a destruction never before witnessed in this country. Plantations are overwhelmed by the flood and towns are swept away like driftwood on its surface. Many lives have been lost, and much of the wealth of the Mississippi Valley has been destroyed by the relentless waters. Scores of women and children have been drowned, and even strong men have perished. The barriers along the river bank have been broken through, and the flood has bid defiance to all power, save that of Him who commands the wind and the sea and they obey Him. To-day hundreds are suffering for want of food, and the North has been appealed to for aid, and not in vain. We have forgotten all past differences, and with a generosity characteristic of a Christian people, we have responded to the appeals made to us. Food and clothing have been sent with a liberal hand to relieve the suffering of our afflicted countrymen. Our representatives in Congress, with a spirit worthy of the age and this people, have ordered that government rations shall be distributed to those who have been impoverished by this terrible inundation, and when the waters shall subside, Congress will appropriate a large amount of money to reërect the levees and embankments along the rivers of the South in so secure a manner as to bid defiance to the raging waters in the future. All this is right and in accordance with the teachings of our holy religion. In a nation believing in one God, and one Saviour of fallen man, there should be no Priest or Levite to turn a deaf ear to the cries of

distress, but, good Samaritans all, we should have compassion on our suffering fellows and pour wine and oil in their wounds, as He commanded who died that we might live.

No man can be at the same time a Levite and a philanthropist. Costly robes or the insignia of a holy office do not make a man a Christian, but charity and true religion may be dressed in the habiliments of poverty and yet their offering be as acceptable to Him who seeth not as man seeth, as are those of wealth and power. When the rich and great were casting their tributes into the public treasury, the farthing of the poor widow outweighed in divine approval all that the treasury had received.

As a Christian people we profess to believe all the teachings of revealed religion and obey all the divine commandments, but are we sincere in our professions? Do our works correspond with our faith? A few sporadic instances of benevolent acts, or an occasional spasmodic attack of philanthropy does not form the character of a nation or an individual. We may be justly proud of the generosity of our government in relieving the wants of a community afflicted with fire or flood, but that very pride should make us blush and our cheeks tingle with shame at the wrong that the government perpetrates by law, or permits by legal enactments.

There is to-day in our land a flood far more devastating than that now sweeping over the valley of th Mississippi; whose victims are numbered by millions instead of hundreds; whose terrible effects are not circumscribed by time or place, but reach into the never-ending ages of the future; and yet the American people look upon its horrors with cold apathy and indifference, and even assist its flow by law and license. While Christian philanthropists all over our country are trying to erect levees and barriers to stop the flow of its poisonous waters, the law—bribed by license fees, is destroying those barriers and permitting this inundation of disease and woe to reach every house and every fireside.

In the dark caves of sin and avarice pale Hecate has erected her stills and there compounds her deadly brews. Amid noisome vapors her loathsome worms vomit forth a poisonous flood. Spirits of evil, like the witches of Macbeth, mingle the compounds of her caldrons. Want, shame, crime, suicide and mur-

der are among the ingredients. Over the portals of her caves is the impression of the Great Seal of the government, and beneath it the inscription, "THIS DISTILLERY IS APPROVED BY LAW AND PROTECTED BY LICENSE."

From this legalized sanctuary of evil pours a dark and turbid stream. All along the thoroughfares of men it flows in conduits erected by statutes enacted by the legislature of a Christian people. Whatever that current touches is poisoned by its pollution. In every community through which it flows crime spreads from its infection, and want and misery by its contagion. All along the banks of this Stygian river are strewn the wrecks of noble lives and splendid fortunes. Its shores are white with the bones of unnumbered millions who have perished beneath its dark waters. Its waves are stained with blood. The very bubbles that float on its surface are full of disease and sin. Compared with it the ravages of the flood now overwhelming the South are as twilight is to midnight darkness, and yet this awful stream flows on its course only by permission of and the tolerance of the people. A legislative fiat could extinguish the fires of the still —dry up the stream at its source, and bring health and prosperity to an afflicted nation.

We mourn the loss of human life, and the material wealth of the country caused by the late war; yet the terrible flood of alcohol has killed more men since the surrender of Lee than all that died on the battle-fields of the rebellion. It has cost the people more than the amount of our national debt. To-day our prisons, poor-houses, and insane asylums are filled with its victims, and the unpensioned widows and orphans it has made in every town and village in our land are objects of public charity and benevolence. Think not, my readers, that what I have said is but painted phrase or hyperbole, for not even the half has been told. I have only spoken of the visible effects of this awful inundation of evil in *this* world. I have only related a tale familiar to all and whose truth none can deny. But were I gifted with the power of inspiration; could I but penetrate the dark veil that hangs between time and eternity, and tell you of the drunkard's future, what horrors could I relate;

> "I could a tale unfold, whose lightest word
> Would harrow up thy soul, freeze thy blood,

Make thy two eyes, like stars, start from their spheres,
Thy knotted and combined locks to part,
And each particular hair to stand on end,
Like quills upon the fretful porcupine:
But this eternal blazon must not be
To ears of flesh and blood "

Among the soldiers who have died upon the field of battle in the hospital, thousands bade adieu to life with Christian th, and assurance of a happy future. With lips growing cold death they have whispered a prayer to Him,

" Who sees with equal eye, as God of all,
A hero perish or a sparrow fall;"

l with dying breath have consigned loved ones at home to the e of the Great Shepherd who "tempereth the wind to the rn lamb," and their own souls to Him who created them. This th has softened the frozen earth of the battle-field into a bed infinite rest; has robbed the grave of its terrors and disarmed th even in the hour of its victory. But how is it with those o have died as a drunkard dies? who have stepped from the alized shrines of sin and debauchery into the very presence God without a moment's warning or time to utter a single yer of repentance?

But I grow weary of the task of telling this oft-repeated e. It is not pleasant to contemplate the woes and ills of man- d. I would much rather look upon a landscape illumined by ummer sun, than one enshrouded in storm and darkness. t the evils of the licensed rum meet us every hour of our life. e cannot close our eyes to its horrors even if we would. It ggers past us in our streets in the debauched and loathsome ms of those who were once our friends, loved and respected all who knew them. It meets us at the street corners in the ociated form of the drunkard's wife, who begs for bread for r starving children. Through the bars of the morgue it looks us, with the glazed eye and pallid features of the dead. In r daily journals it shocks us every morning with the story of murders it has committed and the suicides it has induced. meets us everywhere with its tales of suffering and crime; d its record is nothing but evil and that continually.

Why, then, will not our law-makers, who are so ready to alleviate the sufferings in the South; so willing to erect levees and barriers to stop the inundation of the waters of the Mississippi; why will they not exert the authority delegated to them by the people to stay the overflow of this river of ruin and death? How long shall the petitions of Christian men and women be disregarded in the capitol of our commonwealth, and how long shall disease and death claim the right to their victims for a price paid into the public treasury? When will human life become so dear in this country that no man can purchase of our courts the right to destroy it? When will crime become so odious that the right to commit it shall not be a franchise to be sold to the highest bidder? When shall the right to make drunkards and criminals cease and our law refuse to license a man to destroy both the soul and body of his fellow-man? When shall this glorious millenium come? Not until the voice of the people is heard in the ballot of UNIVERSAL PROHIBITION.

CHAPTER IX.

THOUGHTS SUGGESTED BY A PRINTER'S MISTAKE.

"There is a weapon firmer set
And surer than the bayonet,
A weapon that comes down as still
As snow flakes fall upon the sod,
But executes a freeman's will
As lightning does the will of God.
And from its force, nor doors nor locks
Can shield you — 'tis the ballot-box."

—*John Pierpont.*

A FEW days ago I sent a manuscript article to the printing office for publication. In the article I used the expression: "In this country, under the light of the nineteenth century, justice, in the enactment and administration of the laws, is always *tempered with mercy*." When the proof-sheet was returned to me for correction the printer had made it read, "justice, in the enactment and administration of the laws, is always *tempted with money*. When I read it I uttered a lawyer-like benediction on the type-setter who had committed the blunder; nevertheless it set me to thinking, and I thought perhaps it is not so much of an error after all; and although it is not the idea I intended to convey, yet it is possible that it enunciated an humiliating truth. I know that it is the boast of our Christian enlightenment that justice is the foundation of all our laws and presides in their administration, and that no law in derogation of the Divine law, or that worketh an injury to the people, can exist on our statute book. This at least is the theory of the laws of every civilized nation, yet how do the facts correspond with the theory? I know that in every age of the world, and among every people that recognize a Divine ruler and profess to obey His mandates, the mythical form of Justice is represented as a pure spirit clothed in spotless ermine, blind to all earthly distinctions of

class or condition, above and beyond the reach of bribery and corruption; who, with scales at equipoise in one hand, and in the other the naked sword of retribution, is presumed to preside in our legislative halls and courts wherein her laws are made and administered. Yet how do the facts correspond with the theory?

What would be thought of a legislature that would by a solemn enactment promote murder, and for a price paid into the public treasury license a man to commit crime, or tempt his fellow thereto? What would be thought of a legislature that would enact a law that enriched a few and impoverished many; that for a specified sum of money would grant a few men a franchise to debase the people and fill the country and prisons with paupers and criminals? What would be thought of a legislature that would by legal enactments permit a privileged few to establish cess-pools of infection in every populous district, from which disease and death were scattered on every hand? that by law would increase the taxes of the people, bring want and poverty to many firesides, promote licentiousness and blasphemy, and educate the rising generation to despise the teachings of morality and the laws of God, and do it all for a price to be paid into the treasury of a Christian commonwealth? What would be thought of the motives that influenced men to enact such laws? Yet our statute book is full of them. Verily, was not the type-setter inspired and his hand guided by the unseen spirit of truth when he made the insensate type utter that bitter sarcasm on the justice of our laws and the civilization of the age?

To-day a loathsome plague is spreading over our land. A few hundreds have died from its contagion. The legislatures of a number of States and the Congress of the nation have appointed committees to investigate its cause, and to recommend the best method to stay its ravages. The people in our towns and cities have been compelled by law to use those preventives that science has demonstrated to be the most effective. The whole country is alarmed, and from whatever locality the yellow flag is suspended the people flee therefrom with terror and apprehension. The ties of love and parentage are forgotten, and the victim who is stricken down with this disease is hurried off to the pest-house, lest he may infect others. Yet there is a plague

in our midst more terrible than this. Its victims are numbered by thousands and even millions, who die annually, either directly or indirectly, through its agency. It hangs out its flag of red on every street in our towns and cities, and invites men to enter its licensed saloons to drink and die. It squanders the money of the laborer and leaves his family to starve. It poisons the parent and a loathsome disease is transmitted from father to child for many generations. With its skeleton arms it erects scaffolds and prisons and fills them with the victims of its influence. It clutched with drunken fingers the signal cord of a rushing train, and in a moment the air was filled with the shrieks of victims who were perishing in a holocaust it had kindled. In mid ocean it laid its fleshless hand upon the tiller of a noble ship, and deep down in the sea four hundred human forms sleep in death among the coral reefs on which that ship was foundered. It points the pistol of the murderer and directs the knife of the assassin. It invades the homes of the people and brings worse than death to their firesides. And oh! shame! shame!! on this commonwealth and its legislature: for two hundred years this terrible plague has been protected by law and permitted by license.

All this time science has been busily engaged in praiseworthy efforts to ameliorate the condition of our race. In the dissecting room the scalpel has been busy searching among human nerves and arteries for the cause of disease. In the laboratory the alembic and retort have been distilling elixirs to alleviate the pains of the suffering and restore the sick and dying. And all this time, this most malignant and fatal disease has been propagated by law and fostered by the commonwealth's broad seal. And yet we profess to be a Christian and enlightened people!

In 1796, when Edward Jenner discovered that vaccination was a preventive to the spread of the loathsome disease now an epidemic in our land, the discovery was hailed with joy by the scientific world and the English government gave him $150,000 as a reward for the benefit he had conferred upon mankind: and yet the disease of drunkenness was far more fatal than the small-pox, destroyed its thousands annually, and no antidote for its poison had been found or even sought for. Oh, what a

commentary on the civilization of the age, and the Christian enlightenment of the world.

Now, my reader, let us reason together. Stop and think a moment. In all your life how many persons did you ever know to have died with the small-pox? Have you counted? Very well. Set down the figures. Now how many have you known to have died from the effects of intoxicating liquor? Count them and set down the figures. Are you not astonished at the result, and that there should be such a universal terror at the ravages of the prevailing epidemic and such an apathy among the people to the consequences of the greatest curse that ever afflicted mankind? And remember that the plague only brings physical death, while intoxicating liquor kills both morally and physically. The one does not entail poverty and shame, while the other not only does this, but it also poisons the very springs of human life, entails disease from father to child, and makes the innocent offspring suffer for a parent's sins for a number of generations.

What would you think of a legislature that would grant a license to a number of physicians to propagate the small-pox, that they might be enriched from the woes of the people, and to do it in the name of law and justice, that the public treasury might be replenished by the price paid for that which scatters death broad-cast over the land? What do you think of a senate that by vote refused to permit the people to say at the ballot-box whether the curse of strong drink should be abolished, and the license system live or die? Answer this question as your conscience shall dictate. And remember that in this matter you are to a certain extent your brother's keeper, and that the time will surely come when Divine justice will call you to an account for your stewardship. But what shall be done to save future generations of men? How can you prevent the entailing of this curse on your children? Is there no remedy for this people? "Is there no balm in Gilead?" Yes, there is one and only remedy. It does not require the skill of the scientist either to prepare or administer it. It is within the reach of all. It is a little piece of paper on which is written the cabalistic word "PROHIBITION." This should be placed in the hand of every voter and by them deposited in the ballot-box. Never did

cience discover a more effectual remedy for diseased humanity than this would be. PROHIBITION enacted by the votes of the people and strictly enforced by the power of the law, will stay the hand of death, reduce taxation, prevent crime and advance Christian enlightenment with the stride of a century.

What is it that prohibition demands that it should not receive the support of every one who seeks the welfare of our race? It demands only that the law-making power of the country shall enact sanitary laws that will stay "the pestilence that walketh in darkness; the destruction that wasteth at noonday." It demands that which will promote sobriety, industry and morality; that no man in this Christian land shall be able to purchase the right to tempt his fellow-man to sin and crime. It demands that the cess-pools of debauchery and vice shall be abolished by law, that the taxation now incident to the punishment of crime shall be reduced by the reduction of the commission of crime itself. It demands nothing but what will promote the happiness of the people and the prosperity of the nation. It demands that justice shall not be *tempted with money*, or her statute books polluted with laws that license disease and death. This is the demand of the people and—"*Vox populi, vox Dei.*"

CHAPTER X.

CONVICTED BY A THREAD. CIRCUMSTANTIAL EVIDENCE.

"One thing is because another is not,
One thing is, therefore another is,
One thing is not, therefore another is.
One thing is not, therefore another is not."

—Quintilian.

"'Ay—ay—circumstances are the things after all!' replied Cap. 'One circumstance is worth fifty facts. That I know to be the law of this realm. Many a man has been hanged on circumstances.'"

—*Captain Cap, in Cooper's Pathfinder.*

THERE is a great difference in the opinion of men as to the weight that should be given to circumstantial evidence in judicial investigations. The lawyer who is endeavoring to convict a prisoner on that character of evidence will assert with great positiveness that "circumstantial evidence cannot lie;" and to support his position will quote the words of Baron Legge in his charge to the jury in the trial of Miss Blandy for murder; and also the charge of Mr. Justice Buller on the trial of Captain Donnellan for poisoning, where the learned judge said: "That a presumption which necessarily arises from circumstances is very often more satisfactory than any other kind of evidence;" while the advocate who is defending the prisoner will quote with equal assurance the doctrine laid down by Mascardus, a writer of great eminence in his time: "That proof by presumption and conjecture cannot be called a true and proper proof."

While these two opposing theories are asserted and denied in almost every case where the evidence is purely circumstantial, neither of them is absolutely correct. Every case must be examined by its peculiar circumstances; and while many times circumstances are deceptive or illusive, yet there are cases where they afford the most positive and convincing evidence of the

fact to be proven, or with equal certainty deny the allegation in controversy. We must not overlook the fact that even circumstances are to be proven by human testimony, and therefore this evidence is liable to the same uncertainties that often attend positive testimony. A witness may as easily err or wilfully misrepresent, in his narration of the circumstances which make the chain of evidence, as he could if he were testifying to positive acts of guilt; yet, when a series of circumstances is proven by a number of witnesses in such a manner as to negative the probability of collusion among them, and when those circumstances are incapable of any other rational explanation than that the fact alleged is true, the evidence thus afforded must be of the most convincing character. But when the same circumstances can be equally well explained by two opposing hypotheses, they afford the weakest possible evidence, and will never justify a conviction. Says a learned writer upon the subject:

"In order to justify the inference of legal guilt from circumstantial evidence, the existence of the inculpatory facts must be absolutely incompatible with the innocence of the accused, and incapable of explanation upon any other reasonable hypothesis than that of his guilt."

The principles laid down in this rule should be rigidly enforced in our courts, in every case where the evidence is circumstantial. The presumption of innocence in all cases of alleged crime, can only be overcome by the most positive testimony; and it is only when the circumstances proven are of so conclusive a character, and point with such unerring certainty to the guilt of the person accused, that they cannot be explained consistent with innocence, that the law justifies a conviction. The penalties of the criminal law are inflicted because the safety of society demands it, and only when guilt is most clearly established is the citizen delivered to the punishment the law prescribes, and even then it is from dire necessity that the sacrifice is permitted.

Twenty-five years ago the store of Col. C—— was entered by burglars and a large amount of goods stolen therefrom. The goods were packed in a large packing-trunk by the thieves and removed from the store; among the goods taken was a web of

bleached muslin; across the end of this web was a stripe of colored threads woven into the fabric, to indicate a full web and that purchasers might know that none had been taken therefrom.

The burglary was discovered early in the morning after the occurrence, by the clerk, who immediately informed Col. C—— of the event. The colonel and his clerk discovered tracks through the dust of the street which led in the direction of the river, and following them a distance of a mile from the village where the store was situated they entered a dense thicket of alders on the river bank. On searching this thicket the trunk with its contents was found. Leaving his clerk in the thicket the colonel returned to the village, and informing two or three trustworthy men, he placed them in the thicket to watch for the thieves, whom he rightly conjectured would return that night with a canoe and remove the goods. This done, he and his clerk returned to the store and engaged in business as if nothing unusual had happened. After closing his store that evening, the colonel and his clerk again repaired to the thicket where he had concealed the watchmen and waited patiently for "coming events."

About midnight the anxious watchers heard the dip of oars in the stream, and soon a boat landed near the thicket, and in the darkness of a cloudy night two forms were indistinctly seen approaching the hiding-place of the stolen goods. Cautiously the men entered the thicket, lifted the trunk and were carrying it toward the boat. A moment more and the watchmen would have seized their prey, when a stentorian sneeze broke upon the stillness of the midnight air—from the hiding-place in the thicket, reverberating up the valley and among the hills like an Alpine echo. The thieves, astonished at the explosion and moved by the common impulse of

> "Two souls with but a single thought,
> Two hearts that beat as one,"

dropped the trunk and "made for" the river and their boat, into which one of them sprang while the other shoved it into the stream, and swimming thereafter with vigorous strokes, in a

oment it was fifty feet from the shore and floating safely down
ie rapid current.

"Condemn that infernal sneeze! Go for them, boys!" roared
ie irrascible colonel, at the top of his voice, as the men broke
om their hiding-place and rushed to the river bank.

But all too late. The boat was soon lost in the darkness,
hile the gentle dip of its oars was heard—between the thunder
! the colonel's oaths—growing fainter and yet fainter in the
stance until lost to the listening ears of the disappointed men,
ho stood vociferously endeavoring to determine the parentage
! the illegitimate sound, that, like the gabbling of the Roman
ese, had given warning.

That the thieves had escaped from the well-set trap was a
ct evident to the dullest comprehension; and well it was for
e owner of the offending organ from which had rolled the
alanche of reverberating sound, that his identity was lost in
e mist of uncertainty; had it been otherwise the manipula-
ons of the angry colonel would have rendered that organ a
eless and even painful appendage for many days thereafter.

The thieves had flown down the river, but the nearest watch-
an to them in their flight thought he recognized in the steps
one of them a limp that belonged to a man that lived about
o miles below, and across the river. When he made known
s suspicions to his companions, they doubted. D—— W——,
e man suspected, had always borne a good reputation for hon-
ty—had been a respectable farmer, but in the last few years
d become dissipated; it was known that he was financially
volved, and that his creditors were importunate. Once there
s no man in the country who was more respected than was
—— W——; he was reputed to be a man of integrity, and
ancially beyond the fear of the sheriff's writs. But step
step, with his increasing appetite for liquor, he had ap-
oached the verge of the gulf that yawns in the pathway of
ery man in whom the fatal appetite is once formed. Financial
in was ahead of him, behind him the bitter recollection of
at he once had been; while the consciousness that his misfor-
ne was the work of his own hand, and that he had scattered
e seed of the harvest he was now gathering, added pognancy
the retrospect of his past life. Oh, how many such victims

does the curse of intemperance leave in its pathway along the thoroughfares trodden by man. How many wrecks of noble men and splendid fortunes are strewn all along the shores of the great sea of human life, whose ruin can be traced directly to this one great cause of pauperism and crime; and how strange, how passing strange it is that a Christian people should be so indifferent to this great evil, whose influence has brought penury to so many firesides, sorrow and shame to so many loving and aching hearts; and in the great day of final retribution can we excuse ourselves for that indifference by the inquiry: "Am I my brother's keeper?" Living as we do in the social relations of civilized society; influencing for good or evil those around us, being in turn influenced by them; we are each of us to a certain extent the keeper of our brother's welfare. If we place stumbling-blocks or dig pit-falls in our neighbor's pathway, we are morally and legally responsible for the injury they do to our fellows. When a people by law permit temptations to evil to be established in their midst, by every principle of justice they are responsible for the probable consequences of those temptations and injuries done thereby.

The right of a people to prevent by law one citizen from injuring another, either by an act of commission or omission, is one of the recognized rights of society among all civilized nations, but nowhere in the broad domain of earth does there exist the right to license one man to injure another, or even to tempt him to vice and crime.

Such a power cannot rightfully exist anywhere. It is opposed to all the teachings of Christianity, and in direct opposition to the laws of God. "Lead us not into temptation, but deliver us from evil," was the prayer taught us by divine lips; and the logic of its justice, and eloquence of its beautiful simplicity, will bid defiance to the decisions of earthly forums for all time to come.

D—— W——, the man suspected of the burglary, was a widower, and lived with his mother, sister and nephew, on a farm across the river, two miles below the place where the goods were concealed.

Two miles above the store was a bridge which the colonel and his watchers had to cross to reach the home of the suspected fa-

gitives. The party proceeded to the store with the stolen goods which were found in the trunk in the same condition they were when removed from the shelves; except that a number of yards of bleached muslin had been torn from the web spoken of.

The colonel procured a warrant for the arrest of D—— W——, and his nephew George, and accompanied by a constable and posse, proceeded across the river to the farm where the suspected men resided, where they arrived about two o'clock in the morning. The house stood on the bank of the river, and chained to a stake on the river bank the colonel saw a canoe, which on examination looked as if it had been recently used. The oars were yet wet, and at one end of the boat a thwart or seat was very wet as if some person with wet garments had recently sat thereon. The colonel exultantly pointed out these suspicious circumstances to his followers, and then proceeded to the house. He knocked at the door with no gentle hand, and after considerable difficulty succeeded in arousing the apparently sleeping inmates. The mother of D—— W——, quite an old lady, opened the door and inquired what was wanted in terms not noticeable for their amiability.

"Where are D—— W—— and George?" inquired the colonel, "we wish to see them."

"They are in bed," replied the old woman. "They have been washing sheep all day and came home last evening wet and tired, got their supper and went to bed—why! what do you want of them?"

The colonel informed her of the object of their visit; that they had a warrant to search for stolen goods, and for the arrest of the thieves. At this the old woman became more amiable, opened the door, invited the men in, and gave them permission to search the house, stating that they would find no stolen goods in her house, and that her son and grandson were not thieves.

The willingness displayed by the old woman almost disarmed the suspicion of the constable and posse; not so with the colonel, however. "Boys," he said, "she's too willing, a- —— sight. I know her well; she would not be so amiable unless something was wrong." The men entered and the search commenced. Hanging on the chair, by the kitchen stove, was one suit of wet

clothes that had been placed there to dry, and by their side one pair of water-soaked shoes.

"They are George's," the old woman said, "and he got them wet washing sheep. He had to do all the work in the water, for D—— W—— was so lame that he did not dare to go into the river, for fear he would take cold."

The men searched the house thoroughly, but found no stolen goods. It was supposed that the burglars might have taken some articles from the store that they did not put in the trunk, and that some of these might be found in the house; nothing, however, was found to justify a suspicion, and the men were about leaving, when the colonel discovered a remnant of bleached muslin in a bureau drawer; a strip had been torn from the whole length of one side of the cloth, and it had been wet to remove the starch therefrom—as the old woman said—"that she could more easily ravel one edge of it to make a fringe for some pillow-slips which she had prepared to make. The colonel believed it had been torn from the web found in the trunk, as a stripe of colored threads was across the end of the cloth similar to the stripe on the stolen goods. He stated the fact, but the old woman denied it most vehemently, and asserted in the most positive manner that she had purchased the muslin a year before at his store, and she reminded him of the occurrence of her purchasing some muslin from him, and paying him in eggs, at the time she mentioned. The colonel remembered the occurrence, but he doubted the identity of the cloth.

D—— W—— and his nephew George were found in bed, apparently sleeping the sleep of wearied industry and conscious innocence. They protested that they were innocent, and seemed astonished that they should be suspected of so great a crime, and stated "that they were tired after a hard day's work," had gone to bed early in the evening, as the old woman had said, and had not been out of the house since. The constable and posse were convinced of their innocence; not so with the colonel, however; he had never in a long life been known to acknowledge an error. He was a man of influence, wealth and respectability, thoroughly honest, but his obstinacy and confidence in his own opinions brooked no opposition. The way to confirm the colonel in an error, was to try to convince him that he was mistaken.

The men were arrested, the remnant of muslin secured as an item of possible evidence against them, and after a hearing before a justice, they were held to bail to answer a charge of burglary and larceny under our statute. The accused men had no difficulty in procuring bail, for although D—— W—— was known to be a drunkard and George, a young man twenty-two years of age, was thought to be far on the road that leads to a drunkard's end, yet their honesty had never been doubted, and probably the colonel was the only man who knew them who believed them guilty.

I was district attorney at the time of the occurrence, and after some time and repeated interviews, the colonel succeeded in imparting to me a portion of his confidence in the guilt of the accused. I believed them guilty, but feared the evidence was not sufficient to secure a conviction. The case caused considerable excitement in the little community where the burglary was committed. The friends of D—— W—— assisted him in securing the services of Judge T——, one of the ablest and most eloquent advocates in the State, in his behalf.

The court convened, a true bill was found by the grand jury, and the case came on for trial.

On the part of the prosecution we proved the circumstances as narrated—that one of the men seen with the trunk was lame; that one jumped into the boat and the other in the water; the wet oars, and seat in the boat; the suit of wet clothes hung by the kitchen stove, and the water-soaked shoes. The piece of muslin found in the bureau drawer was also produced, and the colonel testified that he believed it was torn from the web found in the trunk. With this evidence the commonwealth rested. The defendants' attorney made a very eloquent and effective opening, in which the uncertainty of circumstantial evidence was impressed upon the attention of the jury; and the former good character of the defendants spoken of in a most impressive manner. The jury were assured that every suspicious circumstance would be explained by the testimony in a most satisfactory manner, and perfectly consistent with the innocence of the accused, and inconsistent with the theory of guilt.

The first witness called was the mother, who testified that her son and grandson had been washing sheep all day, went to

bed early in the evening, that she hung George's wet clothes on the chair to dry, that after the boys had gone to bed she locked the door and took the key to her bed-room; that they could not have left the house without her knowledge, and that they did not leave the house from the time they went to bed until the men came to arrest them. And she also testified in the most positive manner that she had purchased the piece of bleached muslin found in the bureau drawer, at the colonel's store a year before, and showed a pair of pillow-slips which she said her daughter had made of a portion of that cloth some months before. She was corroborated in her testimony, in the most positive manner, by her daughter. Several witnesses were called who saw D—— W—— and George washing sheep on the afternoon before their arrest, and a number of the best citizens of our county testified to their previous good reputation for honesty. The evidence closed and Judge T—— addressed the jury. He made a most eloquent plea; spoke of the danger of convicting on circumstantial evidence, of the sister's grief and the sorrow of the gray-haired mother; and had he then stopped. the defendants would have been acquitted. But in the conclusion of his address he spoke of the fact that no stolen goods were found in the possession of the defendants, unless the piece of cloth found in the bureau had been torn from the web, and to show the absurdity of this theory he held the remnant in one hand, while with the other he took hold of the end of the cloth in the web, which lay on a chair by his side, and unrolling a portion of it held both pieces before the jury, that they might compare them and observe the difference. From the position in which I sat, when Judge T—— held up the end of the web it was between me and a window, and on looking at it I saw a large thread near the center of the piece that extended from the end as far as it was unrolled. These large or imperfect threads are found in every kind of muslin, and are caused by a momentary imperfect action of the machinery by which they are spun. Observing this thread in the web, I looked at the piece found in the bureau, and saw a large thread running through its warp that I thought corresponded with the thread in the web, and also another and yet another running only a short distance through the length of the piece. When the

learned counsel for the defense closed his argument, the court adjourned for dinner. The judge was congratulated on his able effort in behalf of his clients, and even the clients were congratulated by their friends at the perfect vindication their counsel had made of their innocence. Every person who had heard the trial believed they would be acquitted, and justly so.

After court adjourned, and a very hasty dinner, I hastened to the court room, and with the aid of a magnifying glass I was able to count the threads of the warp quite easily. Commencing at the selvedge of the piece of cloth found in the bureau drawer, I counted one hundred and eighty-four threads, and came to a thread much larger than its fellows. I then counted three hundred and seventy-six threads more and came to another large thread that ran through the whole length of the piece, one hundred and fifty more and there was another thread noticeably larger than the others in the web. I then counted from the selvedge of the web one hundred and eighty-four threads, and the next one was a large one corresponding with the thread in the piece, three hundred and seventy-six threads and I came to the one I first noticed as the cloth was held between me and the window, one hundred and fifty more and another large thread that corresponded with the thread in the piece. Now there could be no mistake; this could not happen accidentally in two pieces of cloth woven in different looms and at different times. The cloth found in the bureau had been torn off the stolen web; that fact was as certainly proved as a demonstration in Euclid proves a mathematical proposition.

When the court called I proceeded to argue the case for the commonwealth. I agreed with the learned judge in all his legal points as stated to the jury, yet contended that there were cases in which circumstances afforded the strongest and most reliable evidence that could be produced; that influenced by malice human lips might utter a falsehood against a person accused of crime, or prompted by love and a desire to screen the object of affection from impending punishment, even a sister and an aged mother might forget the obligations of an oath: but there was a class of witnesses often introduced in judicial investigations that could not lie; that they had no loves or hatreds to in-

fluence them, no brain to conceive a perjury, and no tongue to utter it; and that such a witness was in this case.

I then called the attention of the jury to the threads in the web, and the piece found in the bureau, told them to take them to their jury room and count the threads from the selvedge as I had done, and then to let their verdict be in accordance with the obligations of their oaths and duty as citizens regardless of the consequences, and it was all that the commonwealth required of them; but to remember "that the protection which the law afforded the citizens depended upon the certainty with which the penalties for its violation were inflicted."

The jury retired, and after a few hours absence returned with a verdict of guilty. The men were sentenced to prison. The law that had tempted them through its legalized emissaries was inexorable, and in consigning them to an infamous punishment, it only completed the ruin it commenced years before, when, for a paltry sum paid into the public treasury, it licensed a man to sell that which infects a community with poverty, disease and crime.

CHAPTER XI.

MURDER AND ITS ACCESSORY: THE LICENSED CUP.

"Justice gives sentence many times
On one man for another's crimes."

—*Butler.*

"What better can we do than prostrate fall
Before Him reverent, and there confess
Humbly our faults, and pardon beg with tears
Wat'ring the ground?"

—*Milton.*

A FEW months ago I attended a meeting of the Board of Pardons, a suppliant for mercy in behalf of a young man who had committed a crime while under the influence of a cup placed to his lips by an authorized agent of the law.

Before the commission of the crime he had enjoyed the esteem and confidence of all who knew him. An aged mother, a young wife and child depended on him for support, and in the little village where he lived there was not a man less liable to become a criminal than he was.

At a social gathering given by a successful candidate in a recent election to his political friends, wine and liquors were freely drank in commemoration of the event. All who there met were friends, socially and politically. There was no variance of opinion, no conflicting interests among them to mar the harmony of the occasion. The successful candidate, in the generosity of his heart, had opened the public bar of a licensed hotel to all his political supporters, that they might drink together and rejoice over the success of a mutual friend, as the exponent of certain principles which all advocated and believed. Surely there was nothing in the gathering or in the purpose for which it had convened that would have suggested the thought that a murder would be that night committed; that any one of the men who had there met in friendship and mutual con-

gratulations would raise his hand against the life of his neighbor and friend. In the early part of the evening, when they met and welcomed each other with a cordial grasping of the hands and words of kindness and regard, could some unseen spirit have whispered in the ear of each, "There is a secret assassin among you to-night, whose heart is filled with every brutal passion, and who, ere midnight has counted her solemn hour, will commit a murder in your midst," what feelings of incredulity would they have experienced who had assembled in friendship to commemorate a friend's success. And had the whispers continued, "Yes, an assassin is in your midst, who conceals a heart full of sin and crime beneath a smiling exterior of innocence, and who is licensed by law to unbridle human passions, and point the weapon of murder against the bosom of that friend,"—not incredulity alone, but horror would have paled every face and deadened the pulsations of every heart.

The hours passed on. The licensed curse flowed in a continuous stream from its legalized fountain, as free as the water from the hill-side spring, and as poisonous as those of the Lethean river. Before midnight the orgies had ended, the successful candidate lay dead upon the floor, and standing over him his friend, holding in his hand a knife, with the red drops of murder yet trickling from its point. A thoughtless word, prompted by the influence of the liquor so freely drank—a retort in the anger of maudlin drunkenness—a blow, prompted by the demon that lurks in every licensed cup, and a man lay dying upon the floor, murdered by his best and most intimate friend.

The murderer was tried by the court that granted the license to the house where the murder was perpetrated. The law that was accessory to the crime had condemned and sentenced him to prison for nine years, and before a board of pardons I was asking for mercy in his behalf. In vain did I produce evidence of his former good character. In vain present a petition of over five hundred respectable citizens who had known him, and who asked that he might be forgiven and pardoned, because he was drunk at the time the crime was committed, and "knew not what he did." The answer was, "Drunkenness is no ex-

cuse for crime. It does not extenuate, but aggravates the offense."

In vain the wife and aged mother, in the magnitude of their grief, and with the eloquence of their tears, plead for mercy in behalf of the husband and father who had been made a criminal through the agency of the laws of a Christian commonwealth. The prisoner had been tried by his accessory in the crime: by that accessory had he been convicted and sentenced, and in vain did I plead before that accessory for even a mitigation of his punishment. The rules of the law and the decrees of her courts are inexorable, and no mercy is shown to those made criminal through her agency, by the licenses which she grants for money, and which stain her revenues with the price of the blood of her citizens.

Thirty-four cases were before the Board of Pardons for their consideration. I listened to them all, and as the attorneys appeared, one after another, in behalf of their clients, in nearly every case the same old story was told. "*They were drunk when they committed the crimes for which they were sentenced.*" And in every case the liquor was obtained at the licensed saloon or bar-room.

There were five cases of homicide, and in every one of them a friend had been killed by a friend with whom he either was drinking at a licensed bar at the time of the murder, or had been a short time before. No! there was one exception. A husband had come home from a licensed drinking resort, and under the influence of the madness of the licensed cup had cut his wife's throat, and dashed out the brains of his little babe who was nursing at its mother's breast. All these tales of horror I heard in the capitol of our State, and under the very roof where, but last winter, a venal senate refused the prayers of their constituents, who asked that the question of prohibition should be submitted to the votes of the people. Oh, shame on the cowardice of those who refused to accede to a demand so manifestly reasonable and just, through fear of the political influence of those who hold a license to propagate crime and increase the taxation necessary to accomplish its punishment. And shame on the cupidity that could only see an increased

revenue to the State, when every dollar thus obtained was stained with the sin of a nefarious traffic.

In nearly every application that came before the pardoning board the crime could be traced directly to the influence of intoxicating liquor and habits of drunkenness; and in very many of the cases, the law-licensed sanctuaries of inebrity were the places where the crimes were committed.

One father—an old friend whom I had not seen for many years—asked me to intercede for his fallen son. "He was a good boy," he said, "until he fell into bad company at the saloons and drinking resorts of our city. Then his accomplices made him drunk and induced him to assist them in the commission of the crime for which he was sentenced four years to the penitentiary."

One poor old woman clad in rags came there to ask for the pardon of an only son, who had been sent to prison for an "attempt to kill" a drunken companion. Her hair was as white as the winter's snow, her aged form was bowed down with the weight of years and her great sorrow, and the tears ran down her furrowed cheeks as she plead for the liberation of her boy.

When her case was called she approached the grand tribunal with feeble, tottering steps, and in sentences, broken by sobs of anguish, told her pitiful tale to unheeding ears. "She said the criminal was now her only son; that her oldest three had died in the army in the war of the rebellion—one of them had starved and died in Libby prison; that her youngest had been a good boy and 'wrought' in the iron works in the city of A——; that he worked hard and supported her; that one Saturday evening after his week's work was done a companion came along and asked him to go 'down town' with him; that they stopped at a drinking saloon and got some liquor; that her boy was persuaded to drink and soon became intoxicated; that he became noisy, and the saloon-keeper was trying in a brutal manner to put him in the street when," she said, "Johnny—stabbed—him—with—a—knife." She paused between every word of the narrative of his crime, as with sobs of anguish, she told what her boy had done; and then dropping on her knees in tones of agony that brought tears to many eyes, she prayed for a pardon for her erring son. "Oh! I shall die!

I shall die!" she said, "if you do not pardon him. I am old and sick, and I cannot support myself this winter, but if you will let Johnny out he will take care of me."

Here her sobs rendered her words unintelligible and an officer raised her from the floor and led her from the room.

Johnny was not pardoned, the august tribunal did not think drunkenness any excuse for crime. Poor boy! what a pity it was that his offence had not been that of "bribing a legislature."

As I listened to the numerous applications for pardon or commutation of punishment made before the board at that meeting, and found that nearly all of the criminals that begged for mercy were the victims of alcohol, it was difficult to realize the fact that in a land of Christian enlightenment, of churches and free schools, that this great incentive to crime should be protected by law, and its mission of sin and infamy be licensed by our country, and approved of by a free and intelligent people!

What is the object of our criminal code but to suppress crime by prescribing a punishment for its commission? What the end and aim of all our Christian institutions but to suppress vice and immorality, and thereby elevate and improve the moral condition of mankind? What is the object of the sanitary laws and regulations of our country, but to protect the health of the people and improve their physical condition?

And while with stringent laws we seek to administer a wholesome remedy to a people sick with sin, and diseased with crime, at the same time by licensing the use of that which promotes sin and increases crime, we counteract the effects of our wise laws and proper legislation.

What would be thought of a physician, who, called to see a patient stricken down with a disease that threatened the life of the sufferer, would enter the sick room with the proper remedy in one hand and a counteractive in the other; who after feeling the pulse and examining the tongue of the patient, with apparent skill and solicitude, would at once administer the remedy for the disease, and the next moment prescribe that which would counteract the effects of the medicine? And is not that just what we do by administering our criminal code of law to

the people to cure and prevent crime, while by law we license that which increases crime by inciting men to commit it?

In sanitary measures we vaccinate for the lesser disease to prevent men from taking the greater; while by the laws that govern men morally and socially, we inoculate them with the virus that prompts them to commit crime, and then punish the criminal.

All this we do at home, and then—oh! most wise and consistent people—we do not see the beam in our own eye, while with microscopic vision we behold the mote in that of our neighbor's, and ignoring the missionary work to be done in our midst, we send ship-loads of pious tracts and flannel underclothing to the naked islanders of the far-off seas. Like the estimable Mrs. Jellyby, we neglect and starve our own children at home, in our pious attempts to feed to surfeit the natives of "Borrioboola Gha."

CHAPTER XII.

THE HEATHEN GOBLET.

"Memory confused, and interrupted thought,
Death's harbingers, lie latent in the draught;
And in the flowers that wreathe the sparkling bowl,
Fell adders hiss, and poisonous serpents roll."

—*Prior's Solomon.*

A STORY is told of a genius among the semi-barbarous nations of the past, who fashioned a beautiful goblet of gold. In the bottom of the cup he fixed a model of a serpent coiling for the fatal spring. Its gleaming eyes were made of two lustrous jewels, and from its open mouth protruded long fangs, raised to strike. As it lay concealed beneath the ruby wine, its presence would be undetected until the drinker had drained the goblet to the last drop, when it would suddenly spring from its liquid bed and confront the enthralled inebriate with a startling hiss. It is said that but few who ever drank from the enchanted cup had the nerve and courage to retain it in their hands after they had quaffed its contents and there was no longer danger in its shining depths. The goblet belonged to a barbarian king, and was used by him as a test of the coolness and courage of the officers of his armies; unconscious of the presence of the serpent they took the cup filled with wine from the "cup bearer," and drank to the health of their sovereign. When they had quaffed its contents, the jewelled embodiment of the spirit of inebriety sprang up before them, and the cup was dropped from the trembling hands of those who knew not fear on the battle-field, and who had confronted death in a thousand forms as calmly as they would face the zephyrs of a summer's morning. The soldier covered with the scars of a hundred conflicts trembled before this feeble representation of the danger that lurks in the wine cup; while the iron-clad knight started back, appalled,

from its presence, and the guantleted hand, that loved to grasp the lance or battle-axe, shook like that of the veriest coward, as the enchanted goblet fell from its grasp.

I know not whether this story be true, but it has much in it

"To point a moral or adorn a tale."

The heathen genius in his cunning device represented not only a great truth of the past, but he symbolized in gold, jewels and ingenious mechanism the great curse of the nineteenth century. For to-day, wherever civilization seeks to spread the blessings of Christian enlightenment, there the licensed goblet with its deadly serpent confronts the teachers of morality and tempts men to sin and crime. Wherever men erect churches and fill them with the voices of prayer, there the legalized cup builds saloons and bar-rooms, and fills them with curses and profanity. What Defoe wrote nearly two hundred years ago is true to-day, that

"Wherever God erects a house of prayer,
The Devil always builds a chapel there;
And 'twill be found upon examination,
The latter has the largest congregation."

To the influence of the serpent that is hidden in the wine-cup we are indebted for nine-tenths of the crimes that stain the records of our courts with their details, and of the suicides and murders whose horrors meet the eye on every page of our public prints.

The influence of this serpent is the great source of the mother's sorrow, the wife's agony, and the tears of the drunkard's children; poverty and shame are begotten by its breath, as the poisonous miasm comes from the vapors of the marsh and fen: our prisons are built to punish those affected by its sting, and our scaffolds are filled with the victims of its deadly fangs. The trail of this serpent is seen all along the thoroughfares of the country, and in its pathway it leaves nothing behind it but human sorrow, suffering and woe. And yet, like the man in the fable, we warm it in our bosom, foster and cherish it by law and license, only that in the end it may destroy, soul and body, those we love best on earth, and without whose presence even Heaven would be a dreary solitude.

Its victims are seen in all classes of society, from the king upon his throne to the servants to their fellow men. From the cradle of infancy to the staff of old age none are too young, none are too old to escape its influence. A man may be panoplied with the holy vestments of the church, or clothed in judicial ermine, and yet he is not safe from its sting, or beyond the reach of its poison. It invades the sacred precincts of home, and from the fireside circle carries away in its deadly folds the most cherished object of parental love, and naught remains but a vacant chair by the hearthstone, and in the church-yard a drunkard's grave. The gilded temples of prostitution are filled with beautiful victims, who, but for its influence, would have been virtuous wives and honored mothers. There is no crime in the calendar of human transgressions so horrible that it does not prompt men to commit, no depths of depravity so low but they are filled with those who have fallen through its agency.

And while the serpent of the wine-cup carries in its trail all this array of evils, it has not a single redeeming trait; not a truthful word can be uttered in its favor, not even a reasonable excuse given for permitting it to exist. There is no reason why mankind should not wage as unremitting a war of extermination against it as they do against the cobra, the rattle-snake or the viper. It never does good, but only evil, and that continually. Why men should so anxiously seek to destroy the comparatively harmless reptiles of the field and jungle, and yet permit the horrible still-worm to live and destroy its thousands of victims annually, passeth the comprehension of the average human mind.

Why that class of God's creatures to whom he has given the poisonous fangs for their defense and protection against their enemies, should be the objects of universal hatred and horror of mankind, and the loathsome reptile of the still-house should be petted by law, and licensed by our courts to sting, is an anomaly in Christian civilization absolutely incapable of rational explanation. It is a most wicked and miserable excuse to say "that the public revenue is increased thereby," and besides, it is not true. In the mild and temperate language of Iago's wife to Iago:

"It's a lie! an odious —— lie!
Upon my soul a lie! a wicked lie!"

For it costs the country ten times more to pay the expenses of our criminal courts in punishing the crimes caused by the sting of the serpent, than all the revenue that "licensed sin" ever poured into the treasury of a Christian people.

Let us suppose that all the poisonous snakes and reptiles in the country should meet in convention and appoint a delegate to visit our State legislatures to represent their interests, and procure the passage of a law that would secure to them their inalienable right to live and ply their natural vocation.

An old and experienced reptile is selected by vote, with a delegated authority from the whole race of vipers, rattle-snakes and copperheads (this last word has no political significance). On some bright, sunny morning it is seen, slowly winding its sinuous way into the halls of legislation. Having obtained the floor, with a premonitory and significant flourish of its rattles, it addresses the house as follows:

"MR. SPEAKER: In behalf of a large body of your constituents, who reside among the rocks and hills of this, our native State, I am authorized to appear before this august body to present our claims for protection to your consideration.

"1st. We claim to be a portion of God's creatures, created for His all-wise purpose, and possessing an inalienable right to life, liberty and the pursuit of happiness.

"2d. As the Creator has invested us with certain organs for the *distillation or secretion* of a certain poison, we claim the right to distill and use that poison in the manner nature intended when our organism was constructed.

"3d. We claim the right to bite and sting whenever and wherever it is to our interest so to do.

"4th. We are willing to pay into the public treasury a reasonable sum of money for a license to ply our natural callings; and in behalf of those I represent, you are asked to pass a law licensing us to do so; and we will ever pray, etc."

What would the ordinary legislator think of this seemingly equitable and just demand? Think you it would be granted, even if every scale on the serpent's body was made of shining gold, and their numbers were like the sands of the sea, and all

hould be shed upon the senate floor for the benefit of the pub-ic treasury; would such a license be granted? Yet, moved nd governed by precedent, why should it not be? The injury o mankind, and the danger to the citizens would not be so nuch increased as it is by the infamous license law that permits nen to poison their fellow men by the venom of the still-worm. The crawling reptiles who thus claimed the protection of the aws, can only live among the hills and rocks and waste land of he country and are comparatively harmless, while the licensed uman reptiles throng our public thoroughfares, establish themelves in the streets and alleys of our towns and cities, and by irtue of their privilege poison a whole community with pauerism, disease, death and crime, and then transmit their infecion from father to son, from generation to generation.

If it would not do to grant the prayer of the petitioners who ere thus represented, because of the injury likely to be done hereby, why should not laws that license the depredations of hat most loathsome reptile, the "still-worm," be abolished? nd it treated like other poisonous creatures that infest the ountry, endangering the safety and welfare of mankind? The emedy that applies to one would certainly be effective against he other, and that remedy must and will be applied in the ear future. Extermination and prohibition are demanded of ur legislature for the public good. The vile and poisonous eptile now supported by license must be exterminated from our nidst, and to do this there is but one effective mode. The iron eel of the law must crush the serpent's head so effectually hat "its tail will die"—in the hands of the last of the grogellers—"before sundown."

CHAPTER XIII.

TO OUR LAW-MAKERS.

"Laws should be made to punish crime,
Yet legislators have been slow to deal
With vice in its first elements; and here
Lie the pernicious root and seeds of sin:
That children are permitted to grow up
From infancy to youth, surrounded by temptation.
'Tis a grave wrong, and ne'er to be redeemed
By penal statutes and the prisoner's cell."

—*Anon.*

MOST HONORED AND REVERED LAW-MAKERS: It is with feelings of profound awe and reverence that a humble author presumes to interrogate you, or suggest to you any of the duties you owe to those who placed you in the position you now occupy. Yet I remember the time when you were the suppliants, asking favors of the people. Then you met us with such beaming smiles of affectionate regard, and did grasp our reluctant hands with such cordial greetings, and seemed so disinterestedly desirous of serving us, that I believed you were really anxious for the future welfare of the babes you kissed so fondly, and the children whose heads you patted so affectionately while soliciting their fathers' votes and their mothers' influence. Of course we believed, when, before election, you smiled on us so sweetly, that it was the genuine product of the feelings of your patriotic bosoms; and when you made us such faithful promises to so earnestly look to our interests, we thought that from the fullness of your hearts your lips spake. We knew that you were human—in fact, very human—and therefore liable to temptations; and would most probably commit a few of "those sins that do so easily beset" the average legislator. Yet we were willing to forgive you in advance, provided you would do the best you could under temptation, and pay us even a small percentage on your indebtedness to us, as per promises made before

your election. This we now ask at your hands. We do not claim all the stipulations of your bond. Like Shylock, we do not claim the "pound of flesh regardless of Christian blood," but we do claim from you wise and Christian laws that shall promote morality and decrease crime.

"Only this, and nothing more."

When the people by their votes conferred upon you the authority to make the laws that govern them, they had reason to expect that you would be influenced by a desire to promote the public good, protect the health of the citizens, and to do all that you could to suppress vice and immorality. This to a great extent you have done. You have enacted many wholesome laws which compel men to respect the rights of their fellow-men. By legal enactments you have tried to prevent one man from doing an injury to the property of another, even by carelessness or neglect. You have said to the careless husbandman, "You shall not permit certain noxious weeds to grow and ripen on your land, lest they scatter their seeds on the land of your neighbor. You shall not soil the waters of the stream running through your fields, lest it pollute the current that runs through the fields of another."

Why is this? Why are you so careful of the fields and water-courses of the country, and at the same time so heedless of the welfare and morals of the people? Why so careful to banish the thistle that scatters its seeds by the wayside to the injury of the husbandman, while you license places from whence the seeds of sin and death are sown broadcast, as the snow-flakes by the winter storm? In your estimate of the value of earth's heritage, do you appraise at a higher value the meadow and pasture lands that skirt the thoroughfares, than you do the fair fields of youth and innocence over which the licensed curse scatters the germs of sin and crime? Are meadows of more value than morals? Is the farmer's land of more value in your estimation than the well-being of his children? and his plowed fields more to be protected than the health and morals of the rising generation of men? Does the thistle do more damage than whiskey? the daisy more than rum? Why is it that you

are so careful to banish the noxious weeds, and not the poisonous beverage? Why do you wage unrelenting warfare on lesser evils, while you foster and protect the greater by law and license?

Why are you careful to preserve untainted the mountain-born stream and rivulet, whose waters the Creator has distilled from the pure vapor of the clouds, while you approve by legal enactments of those hellish brews vomited forth by the poisonous worm amid the loathsome vapors of the distillery?

Why do you by statutory laws prescribe punishment for profanity, when by the same law you authorize the sale and use as a beverage of that which prompts human lips to blaspheme that never uttered an oath before?

Why do you fix a penalty for Sabbath breaking, and then tempt men with the legalized cup to despise the day and set at nought your laws and the commands of God?

Why do you by a legal edict banish the gambling house from our midst, while by its side you permit the licensed saloon with its alluring signs and glittering paraphernalia of sin and death to tempt men to their ruin? You must know that while by the evil influences of the one men are only tempted to squander their money, by the other not only is their property wasted away, but by the poison you legalize, the seeds of disease are planted that are transmitted from father to children, thus corrupting the very source of human existence from generation to generation. Why do you refuse to license gambling houses and lotteries, that would pay a revenue to the State therefor, when their evils only affect the property of the citizens, while for revenue purposes you license the saloon and bar-room, those daily and nightly scenes of crime and murder?

Why do you enact your criminal code, with its long list of human transgressions, and then license men to tempt their fellowmen to their violation by the commission of crime?

Why do you re-enact the edict God gave to his chosen people, that "Whoso sheddeth man's blood, by man shall his blood be shed," and then by law justify the sale of that which nerves the arm of the assassin and prompts his heart to murder?

Why do you with infinite and unblushing hypocrisy acknowl-

edge the word of God to be the supreme law of the land, and then lead men into temptation and prompt them to evil?

How can you as legislators of a Christian people barter the welfare of community, promote disease and increase crime, that the treasury of a great commonwealth may be filled with the price of the mother's tears, the wife's agony, and the sufferings of the drunkard's children? How can you as the custodians of the public weal consent that our treasury shall be filled with the price of human woe? and that a privileged class may purchase from you the right to tempt their fellow-men to their destruction in this world and the world to come?

Now, most respected law-makers: I do not ask these questions in a spirit of censoriousness, but because an astonished curiosity has prompted them. I desire to know how you can reconcile the monstrous incongruities between the statutory laws of a Christian commonwealth and the laws of God. In the legislative halls to-day you enact laws, and to-morrow ten thousand wives and mothers kneel in prayer and ask the Father above to protect their husbands and sons from the baleful effects of those laws. Surely, if you could by a legislative fiat banish crime from our midst, you would do so; and yet you deliberately enact laws that are the primordial cause of nine-tenths of the crime that is punished by our courts of criminal jurisdiction. You would if you could render the prison and scaffold unnecessary as instrumentalities to lessen crime in our land, by the terrors of the punishment they inflict. Why then do you hesitate to enact a law that would almost depopulate the one of its inmates and deprive the other of its victims? You know that the licensed saloon is the scene of a great majority of the murders whose details stain the columns of our daily papers with their horrors. You know that the murdered wives and children of whose cruel death you read in your morning paper are the victims of the drunkard's frenzied passion. You do know that the ripened ear comes not more certainly from the planted seed than do pauperism and crime from the frenzy begotten by strong drink. Then why will you not, as Christian legislators, try to banish this great cause of crime from our midst? If by vote you could prohibit the germs of disease and death from poisoning the atmosphere we breathe, would you not

do so? Then why will you not prohibit the great cause of both disease and crime, by the enactment of prohibitory laws so stringent and effective that those who violate them will soon learn that the arm of the law is stronger to punish than is the arm of man to resist?

What is it that the prohibitory party ask that you should hesitate to grant?

They seek to increase morality by destroying the source of immorality and crime. They seek to increase industry by decreasing idleness and pauperism. They seek to promote the welfare of the nation by securing the greater happiness and prosperity of individuals. They seek to remove temptations from the pathway of those who would do better if they could, to disarm the murderer, and protect the drunkard's wife and children from the demoniacal spirit now protected by law and license. This is all they ask, and as certain as the bow of promise is a sign of God's covenant with man, will the time come when you, most sapient law-makers, will bow in submission to these just demands. Remember that you are but servants of the people, and if you heed not the demands thus made of you, the time is not far distant when you can write, "*Mene! Mene! Tekel! Upharsin!*" upon your political escutcheons, "and the places that know you now will know you no more forever."

CHAPTER XIV.

AN AFFECTING INCIDENT.

"And chained her there, 'mid want and strife,
That lowly thing — a drunkard's wife;
And stamped on childhood's brow so mild,
That withering blight — a drunkard's child."

An incident occurred recently in our city that affected me more than I am willing to confess even to myself. It was related to me by a young lady who is the librarian in the city library; and while she told it to me her lip quivered and her eye moistened with the emotion she could not conceal, and I am not ashamed to say that as she related the occurrence, it was with difficulty I could repress my own tears, and I had to remember that I was a hard-hearted old lawyer, made callous by familiarity with human sorrow and suffering before my manhood asserted itself, and I determined I would not cry "before folks" at least.

A long and weary professional life has made me acquainted with almost every phase of crime and its incidents—punishment and shame. I have witnessed so many heart-breaking scenes in court and prison that were the direct results of the accursed traffic in intoxicating liquor, and I did think I was almost beyond and above the reach of all human sympathy; that I could look on the sorrow caused by the license system and the wretchedness and woe it brings to the family circle with as much indifference as any member of the last senate of Pennsylvania, or even a grog-seller himself. I knew that, in early life, as a physician, by the bedside of the sick and dying, I had witnessed every phase of human suffering and pain with the indifference that comes from familiarity alone. That as a surgeon I had severed the quivering nerve and throbbing artery with the studied coolness and calmness that professional training only can

command. I knew all this, and that an old man who live among whiskey-selling—crime-licensing—and Christian peop as I did, had no business to give way to any other emotions th those begotten of a desire for gain, and respect for the laws of great commonwealth; yet I could hardly restrain my tears wh the librarian related the incident. "*I tell the tale as it w told to me, and 'tis true.*"

"This morning," said the librarian, "while it was raini and snowing, a little girl about eight or ten years of age ca into the library. She was thinly dressed and her poor little f peeped out from the toes of her ragged shoes that were soak with the wet and snow of the streets. She came timidly up to my desk and asked, 'what was the price of a ticket to the libra-ry?' I told her one dollar for a year. The child seemed almost frozen, and she looked so sad and emaciated that I pitied her from the bottom of my heart. While I wondered at her inquiry she took from the corner of her ragged shawl a dollar in small change and laid it down on my desk, and asked me "to please give her a ticket for her papa.' I wondered that a child so young, so poorly clad, and apparently half starved, should purchase a library ticket. I asked her if she wanted a child's story book. She said no, 'that she wanted a book for her papa. That he liked to read once, but that he drank beer and whiskey now, and they had no books *any more;* and that every evening now papa went to the saloons and drank beer and left mamma and the children alone, and that she thought 'maybe,' if papa had books to read, as they did once, that he would stay at home evenings and not go out to the saloons and drink so *much*. That she had worked out herself and got the money, and she wanted to take a good book home for papa to read to mamma as he used to do before he took to drink, and they got so poor.' Said the librarian, "I asked the poor little thing what kind of a book she thought would please her papa. I told her Mr. R. had written a good book on temperance, that it told how bad it was to drink whiskey, and asked her if she would like that book? She paused, dropped her head thoughtfully a moment, and then said, hesitatingly, 'I—guess—not—this time. I am afraid papa would think I done it a-purpose, and would be angry. I will take some other now and after awhile I will take that book,

and I do hope he will read it.' I gave her another book and the poor child went away looking so happy in the thought that she could wean her papa from the evil influences that the law had license to ruin him."

This was the story told to me, and I know not what the result may be, but it was an incident pregnant with meaning. A poor half-starved child of a drunkard trying with her feeble efforts to counteract the evil effects on her father of the laws passed by the legislature of a Christian people. Shame! shame on the laws, and the senate that refused to permit their constituents to say through the ballot whether the license curse should be continued or abolished.

When that august body of men, the senate, who were chosen by the people because of their intellectual and financial worth, were in session last winter in the capitol of our State, I wonder what would have been the effect produced on their legislation if during their consideration of the prohibitory bill that little, ragged, half-starved child had appeared nearly frozen in their midst with that book in her hand, and had said to them: "Good gentlemen, (?) see, I have worked so hard to hire a good book for my papa to read, to keep him away from the saloons and whiskey shops evenings, and I want you to pass a law to keep the men who sell liquor from selling him any in the day time, when he is going to his work in the morning, and coming home to mamma in the evening after his work is done."

I do not know what the effect would have been on those great and good men (?), but unless the doctrine of total depravity is true — and our senate a living embodiment of its truth — I have faith to believe that the pleadings of that little girl would not have passed unheeded.

What a sad commentary upon the Christian enlightenment of the age and of this people does this incident afford; a poor, little, half-starved child fighting for her father's life against the power of a great commonwealth, and with feeble hand trying to defend him from the dangers that the law places in his daily pathway, and as with quivering lips and tearful eyes she told the story of her mother's wrongs, and the yearning of her childish heart to save those she loved, it cannot be that her prayers

would have been unanswered. A just God must have heard them, and unless the senate had been above or *below* the reach of divine influence, and their stupid indifference invulnerable to the power that worketh miracles, they must have heeded her prayer and granted her petition.

And, my readers, if your imagination is sufficiently elastic to meet the emergency, just imagine that as that little girl was passing from the senate door Chancellor Crosby had met her, and patting her little head, still wet with snow and rain, had calmly remarked: "My child, that must not be done. Don't you know the more you keep liquor away from your father the more he will drink? Go home, my child, and try moral suasion. It is wicked to try to prevent him from getting drink in any other way."

Is it not a shameless fraud, that men should solicit the votes of the people for the position of law-makers, and then coolly violate every pledge given to the voters, and refuse to submit the great question of prohibition to the ordeal of the ballot-box, when twenty thousand of their constituents petitioned that it might be done? How long, oh, how long shall these things be? that money shall be the prevailing influence to carry an election, and in the arena of politics, wealth be a synonym of worth? When will the members of our State senate learn that they are the servants of the people and not their rulers; and when will the people learn to forever ignore at the ballot-box those who once violated their pledges and betrayed the trust reposed in them?

CHAPTER XV.

DOES PROHIBITION PROHIBIT?

"MENE, MENE, TEKEL, UPHARSIN."

"Belshazzar, the king, made a great feast to a thousand of his nobles, and drank wine before the thousand."

—*Dan. v. 1.*

"Call things by their right names. • • • 'Glass of brandy and water' That is the current, but not appropriate name. Ask for a glass of liquid fire and distilled damnation."

—*Robert Hall.*

For centuries the world has been drunken with wine, and its records stained with crime born of the wine-cup. Nations have fallen and thrones have crumbled through its influence. Philosophers and men of learning have deplored its evils, statesmen have warned the nations against its debasing effects, and a devout ministry all over the world have in vain tried to *persuade* men to abstain from its use. Science has demonstrated its poisonous action upon the nerves and tissues of the body, while the logic of experience has proven it to be the great enemy of religion, the promoter of crime, and the cause of want and pauperism among every people. Yet it is only within the last half century that the law has dared to prohibit its manufacture and sale. For over two hundred years the law-making powers of the States of our Union have tried in vain to regulate its use by the people in such a manner as to lessen its evil effects. But the experience of the world has shown that there is but one way to protect society from its deadly influences, and that is by prohibition — strict and absolute.

The late prohibitory laws of Kansas, the recent overwhelming majority in Iowa in favor of prohibition, together with the agitation of the question in many other States of the Union, are substantial and unmistakable evidence that the end is nigh;

that the doom of the liquor traffic is as truthfully predicted as was the downfall of the kingdom of the Chaldeans by the hand-writing upon the wall.

The edict has been passed by the people, that all the powers of persuasion and the laws of regulation have been "weighed in the balance — of experience — and found wanting," and hereafter the iron heel of the law must crush the serpent's head.

Since the question of the abolition of slavery agitated the public mind there has been no such issue before the people as the one now presented by the advocates of prohibition; and, like the slavery contention, it involves questions of moral ethics that must always be dear to a Christian people. It is not alone that the wife and mother pleads for the removal of temptation from the daily life of a beloved child or husband, or that a father demands protection by law from the ruin that a license has placed in the way of a wayward son; but deep down in the minds of the people is a fixed determination that no man shall enjoy as a franchise the right to promote vice and crime among his fellows; and so long as the human heart is warm with human love and sympathy, so long will this question continue to agitate the minds of the great mass of our citizens. In vain may politicians seek to evade the issue; in vain may demagogues declaim against it; it is now before the people and there is no power on earth that can protect it from their fiat at the ballot-box. And when that day comes, the slums of vice and cesspools of debauchery in our great cities will of course send out their hundreds of human reptiles and outcasts to vote against a prohibitory law, but the rural districts will pour forth their thousands of moral, thinking voters, who do not draw their inspiration from the whiskey saloons, or receive their moral code from the bagnios and gambling hells.

And if prohibition shall be enacted, it is nonsense to say that it cannot be enforced. For that would be saying that the power of the offender would prevail against the might of the law; that in a community of law-abiding citizens the hand of the criminal is stronger than the arm of the law. We have excise laws to regulate trade and manufactures whose violations are punished and whose commands are respected; not because the acts prohibited are wrong in themselves, but because the

welfare of the nation demands their enforcement. We do not live in those feudal times when knights in armor surrounded by their iron-clad retainers could bid defiance to the power that ruled the nation; but under the light of the nineteenth century, when the slightest mandate of the law is a more powerful protection to the citizen than was once the coat of mail, or the plated armor of Milan.

There is a power in the law before whose insignia even the most hardened and desperate criminals bow in humble submission. A mob of armed and excited men throng the streets of one of our great cities in a vain attempt to right some actual or fancied wrong. The act is riotous and in violation of a statute. Soon a handful of men dressed in blue with stars upon their breasts are seen marching toward the angry concourse. Cooly and collectedly, under the protection of an unseen presence, they approach the turbulent throng. Why is it the mob is hushed into silence at their approach? Why is it that in a moment more they are dispersed? It is because behind those stars is the power and majesty of the law, and behind the law is the word of God, and the bravest and most desperate offenders are awed into submission by their prohibitory mandates. I tell you, my readers, that "prohibition does prohibit." It has prohibited crimes and misdemeanors ever since mankind for safety united into tribes and nations, and to say at this late day that the whiskey-manufacturers and pothouse-keepers can do what men have never before been able to do — set the law at defiance with impunity — is to utter a falsehood so absurd that it is not believed even by those who utter it.

Governor St. John, of Kansas, in a recent letter in answer to inquiries on this subject, says: "The law has closed twenty-five or thirty breweries, many wholesale liquor houses, and driven the last distillery from the State. The taxable wealth of the State has greatly increased; the sales of public lands are greater than ever. The criminals sent to the penitentiary have diminished from 306 in 1880, to 197 in 1881, showing a loss of prison population of 197 in a single year. Of eighty-one organized counties of Kansas, it is safe to say that at least in sixty-five of them the prohibitory law is as honestly obeyed and enforced as are other criminal laws on the statute book."

In Maine a prohibitory law has been enforced for many years, and through its influence drunkenness has been abolished in all the small towns and rural districts, and liquor is only surreptitiously sold in the large cities, and then only to "outside barbarians," who are the "traveling public" from other States. In Maine the young men are protected from this vice, because it is only those addicted to drinking who will dive into cellars or dark closets to gratify a taste formed in the licensed saloon or public bar-room. There is no motive to induce those who have not acquired this taste to hunt for the means of gratifying a longing that does not exist. But it is only when a depraved appetite demands gratification with insatiable cravings that men will search for and indulge in

> "The cup inordinate and unblessed,
> Whose ingredient is a devil."

The doctrine of total depravity may or may not be true, but in all my practice in the criminal courts I never knew a criminal who had gone out of his way to gratify an appetite he did not have, or commit a crime he did not desire to perpetrate. No man will hunt for that which he has no desire to find; and if a prohibitory law will keep liquor out of the reach of young men, there will be no old men with a depraved taste to gratify in violation of law.

The power that can control can destroy, and it is absurd to say that legal enactments may regulate the sale of intoxicating liquor, but cannot extend that power to absolute abolishment.

For centuries good men have struggled with this great evil and sought to destroy it, but it has been sustained by the avarice and appetites of its producers and its victims. But public thought has advanced in regard to it, as it has in relation to other questions involving human rights and human progress; and to-day he is indeed blind who cannot read in the "writing on the wall" the doom of the liquor traffic, written by the hand of the spirit of advancing Christian enlightenment.

There is little logic, and less truth, in the argument "that prohibition does not probibit" because a few men, in violation of law, will continue to sell liquor; and because a few men,

with a diseased appetite beyond their control, will continue to drink it.

Suppose we were to use the same argument in other matters. For instance, suppose we were to say that—

Christianity does not christianize because there are sinners in the world.

Wisdom does not make men wise, because fools are still to be found who ignore her instructions, and do not comprehend her teachings.

Cultivation does not cultivate, because weeds yet grow in the farmers' fields.

The science of medicine does not heal the sick, because our cemeteries are full of the graves of those who have died from diseases that bade defiance to the physician's skill.

Is it true that the mandate of God, "Thou shalt not kill," re-enacted as it is in the laws of man, is no protection to human life because our daily papers horrify us with the histories of murders perpetrated through the influence of rum? or that the commandments, "Thou shalt not steal," "Neither shalt thou bear false witness against thy neighbor," avail naught because our prisons are filled with thieves and perjurers? Is it true that the great code of prohibitory laws enacted by the Deity—The Ten Commandments—is nugatory and does not control the actions of men, because sin and crime are not wholly extinguished? Is it true that education does not educate, because it does not exterminate the ignorance and stupidity that persists in such silly arguments as these?

In the whole code of moral laws, in the word of God, or the legal code of men, there is not a law but that is violated daily and hourly; yet who will say that the laws do not control the actions of men, and that the unseen sword of justice is not a terror to evil doers? If laws are to be abrogated because they are occasionally violated and despised because they are sometimes disobeyed, then would civilization relapse into barbarism, might would reign supreme over right, and the millenium of free whiskey and freedom for the exercise of all the brutal passions of men be established on earth. Shame on such arguments and the lips that utter them!

We are not speaking of a doubtful or even a debatable code

of ethics, but of an existing and acknowledged evil, condemned alike by science and morality.

Col. Robert G. Ingersoll, in speaking to a jury in a case which involved the manufacture of alcohol, used the following eloquent language: "I am aware that there is a prejudice against any man engaged in the manufacture of alcohol. I believe from the time it issues from the coiled and poisonous worm in the distillery until it empties into the hell of death, dishonor and crime, that it demoralizes everybody that touches it, from its source to where it ends. I do not believe anybody can contemplate the subject without becoming prejudiced against the liquor crime.

"All we have to do, gentlemen, is to think of the wrecks on either bank of the stream of death; of the suicides, of the insanity, of the poverty, of the ignorance, of the destitution, of the little children tugging at the faded and weary breasts of weeping wives, asking for bread; of the talented men of genius it has wrecked, the men struggling with imaginary serpents, produced by this devilish thing; and when you think of the jails, the alms-houses, of the asylums, of the prisons, of the scaffolds upon either bank, I do not wonder that every thoughtful man is prejudiced against this stuff called alcohol.

"Intemperance cuts down youth in its vigor, manhood in its strength, and age in its weakness. It breaks the father's heart, bereaves the doting mother, extinguishes the natural affection, erases conjugal loves, blots out filial attachments, blights parental hope, and brings down mourning age in sorrow to the grave. It produces weakness, not strength; sickness, not health; death, not life. It makes wives widows; children orphans; fathers fiends, and all of them paupers and beggars. It feeds rheumatism, nurses gout, welcomes epidemics, invites cholera, imports pestilence and embraces consumption. It covers the land with idleness, misery and crime. It fills your jails, supplies your almshouses and demands your asylums. It engenders controversies, fosters quarrels and cherishes riots. It crowds your penitentiaries and furnishes victims to your scaffolds. It is the life-blood of the gambler, the element of the burglar, the prop of the highwayman and the support of the midnight incendiary. It countenances the liar, respects the

thief, esteems the blasphemer. It violates obligations, reverences fraud and honors infamy. It defames benevolence, hates love, scorns virtue and slanders innocence. It incites the father to butcher his helpless offspring, helps the husband to massacre his wife, and the child to grind the parricidal axe. It burns up men, consumes women, detests life, curses God and despises heaven. It suborns witnesses, nurses perjury, defiles the jury box and stains the judicial ermine. It degrades the citizen, debases the legislator, dishonors statesmen and disarms the patriot. It brings shame, not honor; terror, not safety; despair, not hope; misery, not happiness; and with the malevolence of a fiend, it calmly surveys its frightful desolation, and unsatisfied with its havoc, it poisons felicity, kills peace, ruins morals, blights confidence, slays reputation, and wipes out national honor, then curses the world and laughs at its ruin.

"It does all that and more—it murders the soul. It is the son of villainies, the father of crimes, the mother of abominations, the devil's best friend and God's worst enemy."

This is the indictment against alcohol drawn by the eloquent Ingersoll; this the damning record of its sin and crime; this a list of the misery and woes it entails upon mankind, and not one truthful word can be said in its behalf. There is scarcely a use to which alcohol is put in the arts and manufactures but chemistry furnishes a substitute; not a place in medicine but the science of pharmacy can fill without it. It stands before the bar of the world's tribunal a criminal guilty of every crime on the calendar of human iniquity, and nothing can be said in its defense. Like other deadly poisons, its use, if governed by necessity, would be limited indeed; and the bottles that contain it on the shelf of the druggist would be marked with a "skull and cross bones," the insignia of death, its sale prohibited by law, and its use as a beverage condemned by a Christian people.

There never was a time in the history of the world when the public mind was so much agitated on the subject of temperance and prohibition as at present. Shall the laws that license sin continue on our statute book a heritage of shame to our children, or shall the people have a right to decide at the ballot-box whether the curse shall live or die? These are the questions

that ought and must be submitted to the votes of the people—to the people who are taxed to pay the expenses of our criminal courts; to the people who are interested in the welfare of the rising generation of men; to the people who suffer the ills and woes caused by strong drink; to the people who are the rulers of our law-makers, and not their servants. These questions must be submitted, and woe to the politician who will dare to stand in the way of this great tidal wave of reform as it rolls along, bearing on its crest the hopes and prayers of a Christian people. As well might man raise his puny arm in defiance of heaven's lightnings, or to stay the surf of the ocean, as to attempt to arrest the wave of public opinion that on this subject is sweeping over the land like a mighty inundation, for it moves by the same power that controls the elements. Behind the wave is the wind, and behind the wind is the power of the Creator.

Twenty years ago, by the command of public sentiment, the fetters fell from 4,000,000 of human slaves, and left them free; and ere twenty years more have come and gone, by the same fiat, the slavery of the cup will have passed away, and this century will be recorded on history's page as the great epoch when this country was disenthralled from two of the greatest curses that ever darkened the history of our race.

Let the temperance people remember that in union there is strength; that division is weakness. The bundle of rods in the fable when combined and bound together resisted the efforts of strong men to break them; but when separated they were easily broken. The scattered rays of a winter's sun will not melt a snow-flake, or the frost upon the window pane; yet when the same rays are concentrated to a focus by a lens or mirror will dissipate in heated vapor the most obdurate metals. So it is with human action. Concentration of purpose and united efforts can easily achieve that which bids defiance to individual strength alone exerted.

CHAPTER XVI.

HOW ELDER B. WAS CONVERTED TO TOTAL ABSTINENCE.

"Far other aims his heart had learned to prise,
More bent to raise the wretched than to rise.
At church, with meek and unaffected grace,
His looks adorned the venerable place;
Truth from his lips prevailed with double sway,
And fools who came to scoff, remained to pray."

—*Goldsmith.*

IT WAS in the early days of the temperance movement. There was a great diversity of opinion on the question of total abstinence. A very large proportion of the temperance people believed that it was not wrong to indulge in the use of intoxicating liquor to a *temperate* degree, and that it was only a sin against the laws of God and man when drank intemperately. It was admitted by both branches of the temperance party that it was wrong to get drunk, but the principles of total abstinence were advocated by comparatively few, while those who believed in temperate use of liquor were many; and although Solomon was generally respected by all Christian people for his wisdom, yet the Apostle Paul was much the most popular man of the two; and had they lived at that day and both been candidates for the senate or legislature the Apostle would have beaten Solomon two to one in a county election. For while the world's wisest man was a pronounced prohibitionist, and advised his people "*not to look upon the wine*," Paul's advice to Timothy made him very popular with rum-sellers of high or low degree; and it was worth much more to a candidate of that day to have the influence of the liquor sellers than it is now. But while the wisdom of Solomon shall stand forever, and the truths he uttered remain axioms for all time to come, the prescription of the Apostle Paul to a sickly young man is pronounced empirical by

the whole medical faculty of to-day; and although he may have been an inspired preacher of the Gospel, his inspiration certainly did not extend to the practice of medicine.

At the time I speak of, even ministers of the Gospel differed on the question of total abstinence, and honestly differed; but the world moves, scientific truths advance, and the questionable theory of a half a century ago is the demonstrated fact of to-day.

Elder B. was a most excellent Christian minister, an able, eloquent man whose stirring appeals in the pulpit had caused many a thoughtless sinner to turn from the evil of his ways with contrition and repentance. Yet the elder did not believe in total abstinence, although he advocated temperance and sobriety. He was an intimate friend of my father, who was an early pioneer in the Methodist church, and on his quarterly rounds among the churches of his circuit, when visiting our village, always made our house his home. Many discussions have I heard between him and my father on the vexed question of temperance. Yet they were always conducted in a spirit of brotherly love; for the elder was conscientious in his opposition to the theory of total abstinence, and a firm believer in the doctrine "That wine was one of the good gifts of a kind Providence to be enjoyed temperately, but not abused."

One winter's evening the elder had visited us on his quarterly tour. It was Saturday, and the "Quarterly Meeting," as it was called, was to commence the next day. Supper was over, and around a bright, old fashioned fire, in a capacious old fashioned "fire-place," the family had circled to listen to the words of wisdom that fell from the lips of the good man, who, as a teacher in Israel, had no superiors in purity of life or Christian grace. Since his last visit we had heard that he had changed his opinions on the temperance question and was now a most radical advocate of total abstinence. My father and mother often wondered how this conversion had been accomplished, and looked upon it as almost as miraculous as was the conversion of Paul while he journeyed from Jerusalem to Damascus. After many topics had been discussed, and as the evening waned without a word having been said by the elder on his favorite subject

—temperance—woman's curiosity prevailed, and at last my mother remarked:

"Elder, I hear you have been converted to the theory of total abstinence; how did it happen?"

The elder hesitated a moment before he replied, while a smile lurked around the corners of his mouth, and his eyes twinkled with his characteristic humor, for the elder loved a joke, and was one of those who believed that even a Christian might have an appreciation of the ludicrous and laugh, and yet go to heaven. At last he burst into a hearty fit of laughter. When it was over he replied:

"I will tell you, sister R., and then you may all laugh and I will not be offended. It was about two months ago; I attended a large temperance meeting at the church at ———. As usual there was a great diversity of opinion on the question. The Rev. Brother F. was there and made a telling speech in favor of total abstinence, and quoted Solomon to sustain his views. After he had concluded his remarks, a number of the brethren called on me to answer him. I did so, and quoted Paul's advice to Timothy as a set off to his Solomon's "look not upon the wine." As I was about concluding, I remarked that signing a pledge was unmanly; that a temperate use of liquor was permitted in the Scripture. That even the Saviour when he converted water into wine at the marriage feast, tacitly if not expressly, approved of its use; that a temperate use of liquor never injured any one, and that total abstinence was a species of fanaticism. I took my seat amid the applause of the audience, when from the back part of the room an old man arose and staggered forward toward the altar. He was clothed in rags and covered with the filth and dirt of the gutter. When he reached the altar he grasped the railing with one hand, while with the other he endeavored to keep his nether garments in proper position. Swaying to and fro he gazed over the congregation with drunken gravity for a moment. Then looking at me with a smile of approbation, he said: (Here the elder displayed his powers of mimicry and his appreciation of the ludicrous, most admirably for a minister.)

"My—pinion—zactly—hic—Elder believes—s I do—hic—temp'rate licker—don't—hurt—nobody—hic—Sol—man—was a

galute—didn't know what 's talkin' 'bout—hic—'postle Paul's right—smart man—. I'm temp'rance man like elder—hic—have bin since I'se a boy—'postle Paul—and I—and elder—think zactly alike—" hic.

Here the old man was led out by an officer of the meeting, amid the deafening applause of the audience. After the tumult had subsided, I arose with an humiliated air and remarked: "Brethren, I am convinced that I have been in error. I am as thoroughly converted as was Saul of Tarsus. No tree that brings forth such fruit can have been planted with God's approval, or should be nurtured and cherished by his people. I shall sign the total abstinence pledge this night, and with God's help, will keep it as long as I live.' I signed the pledge, Sister R., then and there, as did many others, and I do believe that I have been a better Christian ever since."

CHAPTER XVII.

CONSTITUTIONALITY OF A PROHIBITORY LAW.

"It often falls in course of common life,
  That right long time is overborne of wrong,
Through avarice, or power, or guile, or strife,
  That weakens her, and makes her party strong;
But justice, though her doom she do prolong,
  Yet at the last she will her own cause right."
—*Spencer's Fairy Queen.*

"'Tis best to make the law our friend,
  And patiently await,—
Keep your side good, and you are sure
  To conquer soon or late."
—*Mrs. Hobbs' Harry Guy.*

WHEN mankind aggregated into tribes and nations, each and every member thereof yielded up a portion of their natural liberty as the price they were willing to pay for the benefit of civil liberty. In a state of nature every man was a law unto himself, with no power that restrained his passions and appetites but that of his own will. Might usurped the prerogative of right, and savagery and barbarism were the universal condition of our race. Unnumbered ages passed on, and gradually men emerged from the darkness of natural liberty into the dawning light of civil liberty. That light at first was as faint as is the hue of early morning on the eastern sky. Again, and yet again, countless ages trod in the footsteps of those who had preceded them, and slowly but steadily the night of the past receded and the noon of the present beamed upon us, all aglow with the light of civilization and radiant with the beams of Christian enlightenment. By the common consent of mankind, natural liberty relinquished the scepter of power to civil liberty, and wholesome laws governed all the nations of the earth.

Civil liberty is defined by England's greatest jurists to be "*Natural liberty so far restrained by human laws as is neces-*

sary and expedient for the general advantage of the public." No thinking mind will deny the fact that sanitary laws, properly enforced, are necessary to the physical well-being of a people; and that laws to punish crimes and misdemeanors are equally necessary for the prosperity of a nation and the protection of the citizens. The right of a government to enact excise laws, either for the purpose of revenue or the protection of home industry, is not doubted; and the right to inhibit certain importations is beyond dispute. Every nation has a right to establish certain police regulations, and it is the duty of the government to protect the citizens as far as possible, by the inhibition of everything that has a tendency to injure the health or deprave the morals of the people. These propositions, thus briefly stated, are admitted axioms whose truths are as indisputable as are the demonstrations of Euclid. They have been repeatedly decided by the highest courts in the land to be in strict conformance with constitutional law; and if, therefore, it is clearly apparent that the use of intoxicating liquor diseases the people physically and depraves them morally, the right of the several States to prohibit its use within their borders cannot be doubted, and will only be denied by those whose interests suggest the falsehood, and who care not for their neighbor's sorrow or the injury their fellows may sustain, if only they are enriched with the profits of a nefarious traffic. The highest authorities in our land say that the States posses full power to control the sale of intoxicating liquors within their respective borders and also to prohibit it altogether.

Chief Justice Taney said:

"If any State deems the retail and internal traffic of ardent spirits injurious to its citizens, and calculated to produce idleness, vice, or debauchery, I see nothing in the constitution of the United States to prevent it from regulating or restraining the traffic, or from prohibiting it altogether, if it thinks proper."—5 *Howard*, 577.

Justice McLean said:

"A license to sell an article, foreign or domestic, as a merchant, or innkeeper or victualler, is a matter of police and revenue, within the State."—5 *Howard*, 589. "It is the settled construction of every regulation of commerce that, under the

anction of its general laws, no person can introduce into a ommunity malignant diseases, or anything which contaminates s morals, or endangers its safety."—*Ibid.* "If the foreign rticles be injurious to the health or morals of a community, a tate may, in the exercise of that great and comprehensive police ower which lies at the foundation of its prosperity, prohibit the le of it."—*Ibid*, 682. "No one can claim a license to retail pirits as a matter of right."—*Ibid*, 588.

Justice Woodbury said:

"After articles have come within the territorial limits of States, hether on land or water, the destruction itself of what constitute disease and death, and the longer continuance, when onflicting with their legitimate police, or with their power over iternal commerce, or with their right of taxation over all persons or property within their jurisdiction, seems one of the first rinciples of State sovereignty, and indispensable to public afety."—*Howard*, 630.

Justice Grier said:

"It is not necessary to array the appalling statistics of misery, auperism and crime, which have their origin in the use and buse of ardent spirits. The police power, which is exclusively a the State, is competent to the correction of these great evils, nd all measures of restraint or prohibition necessary to effect hat purpose are withing the scope of that authority; and if a oss of revenue should accrue to the United States from the diminished consumption of ardent spirits, she will be a gainer by a housand fold in the health, wealth and happiness of the people." *Ibid*, 532.

Besides these, we cite the following recent opinions, from the ecords of the supreme courts of several States:

"While alcoholic stimulants are recognized as property, and ntitled to the protection of law, ownership in them is subject to uch restraints as are demanded by the highest considerations of ublic expediency. Such enactments are regarded as police egulations, established for the prevention of crime, for the batement of nuisances, and the promotion of public health and afety. They are a just restraint of an injurious use of property hich the legislature has authority to impose, and the extent to hich such interference may be carried must rest in legislative

wisdom, where it is not controlled by fundamental law. It is a settled principle, essential to the rights of self preservation in every organized community, that, however absolute may be the owner's title to his property, he holds it under the implied condition that its use shall not work injury to the equal enjoyment and safety of others who have an equal right to the enjoyment of their property, nor be injurious to the community."—*Supreme Court of New Jersey*, 1872.

"Possessed of the power of absolute prohibition under the constitution, it seems to follow that any relaxation from the plenary exercise of such power, or qualified or conditional enactment by the legislature, by which license to sell may be obtained in the way and subject to the liabilities imposed by the act, can not be an encroachment of legislative authority, unless, indeed, the legislature should transcend some settled principles of fundamental law respecting the trial or mode of prosecution or punishment of the party charged with an infraction of the provisions of the act, or with having incurred some liability under it. Acting in obedience to those fundamental principles, in accordance with which the guilt or liability of the party charged must first be ascertained and established, and the judgment of the law rendered against him, it seemed competent for the legislature to attach such consequences, civil or criminal, to the mere act of sale, as it pleases, even when such sale is made in pursuance of an authority of the legislature qualified or given for that purpose. Empowered to prohibit entirely, the legislature may license '*sub mode*,' or conditionally only.—*Wisconsin Supreme Court*, 1873.

"Under what is called the police power, the legislature has the right to authorize the abatement of a public nuisance, and the carrying on of illegal traffic in intoxicating liquors, and the assembling of idle and vicious persons for that purpose is a nuisance, and may be so declared and abated according to law."—*Illinois Supreme Court*, 1873.

"In the exercise of the police power, a State has full power of prohibiting under penalties, the exercise of any trade or employment which is found to be hazardous or injurious to the citizen and destructive to the best interests of society, without

compensation to those upon whom the prohibition rests."—*Michigan Supreme Court. The People vs. Hawley.*

Judge Cooley, of Michigan, on "Constitutional Limitations," P. 581 *et seq.*, says:

"The State laws known as prohibitory liquor laws, the purpose of which is to prevent altogether the manufacture and sale of intoxicating drinks as a beverage, so far as legislation can accomplish that object, cannot be held void as in conflict with the power of Congress to regulate commerce, and to levy imports and duties. The same laws also have been sustained when the question of conflict with State constitutions or with general fundamental principles have been raised."

The above are only a few of the many legal decisions in this country that sustain the prohibitionists in their demands in behalf of those who suffer because the State sells to men a license to sin, and divides with crime the wages of iniquity.

Years ago the people of Maine asserted their constitutional right to decrease crime and its incident taxation, by prohibitory laws, and the courts of that State have sustained the people and have declared that those laws shall be enforced. And by reason of this, drunkenness is almost unknown in the rural districts of the State, and is entirely confined to the great cities, where the marts of trade invite the presence of traders from the "heathen nations around about them."

Recently, the State of Kansas has passed prohibitory laws, and the supreme court of that State has sustained those laws, and to-day intoxicating liquor is only sold in that State in violation of law, and in the same spirit that animates the thief and inspires the midnight burglar and assassin.

One of our prominent military generals is said to have remarked, "that the only good Indian he ever saw was a dead Indian." If this renowned ethnologist had but visited our "Indian Territory" he would have seen 87,000 of the abused race congregated under one government, and who have enacted a "thorough-going iron-clad prohibitory law;" and more than that, he would have seen that law most strictly enforced by armed and mounted police, clothed in the United States uniform. And within the broad extent of that territory he would not have seen a single grog-shop, while schools and

churches are as abundant as flowers in a summer meadow. Not a single tramp would he have seen enlivening the highway with his rags or polluting the air with his breath. Yet he would have seen women traveling alone and unprotected without fear of insult or outrage. He would have seen a happy and industrious people, benighted only in the fact that they are entirely ignorant of the blessings that accompany the license laws.

What a pity it is that these benighted savages are not infused with the spirit of proselytism that animates our missionary societies and sewing circles; and that, prompted by an earnest desire to do good to their fellow men, they do not send out missionaries among the heathen nations that surround *them*, and try to educate them in the theory, that sober industry begets Christian morality, and that vice and crime are the legitimate offspring of drunkenness and idleness. O! what a field for missionary efforts would the legislative bodies of the States of this Union afford to a number of good teachers of morality from our Indian Territory. The unreflecting might think it a hopeless task on their part, but I do not think so. When we reflect what, under the providence of God, has been accomplished among the Cannibal Islands of the Southern Pacific Ocean in the last few years, I cannot but believe that the same Christian zeal and prayer, if properly directed towards the legislative bodies of this union might be attended with good results.

Let us have some missionaries from the Indian Territory!

CHAPTER XVIII.

WHO OWNED THE JEWELRY? CONFLICTING TESTIMONY.

My hands are guilty but my heart is free.
—*Dryden.*

He that is drunken
Is outlawed by himself; all kinds of ill
Did with his liquor slide into his veins.
—*George Herbert.*

Father forgive them, for they know not what they do.
—*Luke xxxiii: 34.*

"District attorney, what case will you take up next?" inquired the judge one morning after the court had opened, at a recent session in the county of C., in Western Pennsylvania.

"The case of the Commonwealth against John B. for larceny of some jewelry valued at $230," answered the attorney.

The sheriff was directed to bring in the prisoner for trial, and in a few moments the officer entered the court-room accompanied by a young man of about twenty-five years of age. When the irons were removed from his wrists, and he had taken his seat in the criminal dock, I had an opportunity to observe him closely. He was a fine-looking young man, well dressed, possessing an open, ingenuous countenance, yet marked with recent dissipation, although not that of a confirmed drunkard. If he was a thief, nature had not written his character on his face with her usual legible hand; for there was nothing in his manner or appearance that indicated a criminal. Shame and contrition were expressed in every lineament of his features, but not conscious guilt. If there was any evidence in his acts or appearance that a moral wrong had been committed it was against the commonwealth, not the prisoner. The trembling hand, the blood-shot eye, and the bloated features were no evidence that he was a thief, but they were "confirmations strong as proofs of holy writ," that the licensed cup had debased the man, and that

the law, through its legalized agents, had tempted a citizen to the commission of a crime.

"Another victim of our national curse, A. B.," remarked a member of the bar to me as he looked with sympathizing eyes at the prisoner. "That man is no criminal unless whiskey has made him one, and I wish the members of the legislature who enacted the license law were in his place and could for one hour suffer what he now suffers, and then go back to our State capital. I believe that the effect on our virtuous law-makers would be more striking than any that was ever produced by bribes or promises of political preferment."

"Prisoner at the bar, stand up, and plead to the indictment preferred against you by the grand jury," said the district attorney.

The prisoner slowly arose and stood pale and trembling while the officer of the law proceeded to read to him the indictment, wherein it was charged "that at the county aforesaid John B. then and there being, one pair of gold bracelets of the value of $50, one gold breastpin of the value of $30, one pair of diamond ear-drops of the value of $150, the property of one William D———, then and there feloniously did steal, take and carry away, contrary to the act of assembly and against the peace and dignity of the commonwealth of Pennsylvania."

"What say you; are you guilty or not guilty?" officially inquired the attorney.

The prisoner hesitated a moment, dropped his head in shame, then in faltering and almost inaudible tones answered:

"I do not know whether I am guilty or not. I had been drinking to excess for a number of days and was very much intoxicated. I boarded at the hotel of Mr. ———, the prosecutor. At his bar I obtained the liquor that made me drunk; and when I was arrested and accused of the crime I denied it, for I did not know that I had ever seen the jewelry. The constable who had the warrant searched me and found the bracelets and breastpin in one of the outside pockets of my overcoat and the ear-rings in another. I do not know how they came there, but I suppose I must have taken them. I have no recollection of what transpired for several days before my arrest, but I suppose I am guilty, unless drunkenness is an excuse."

"Have you an attorney?" asked the judge, in compassionate tones.

"No, your Honor," replied the prisoner, "I have no attorney, nor money to employ one. I spent my last month's wages for liquor at the bar of Mr. D———, and what I did while under its influence I don't know; but I know that my money is all gone; that I am a prisoner accused of a crime, and that whiskey is the cause of my trouble."

"Have you no friends who will help you?" inquired the judge.

"I have respectable friends and connections at my home in Canada," the prisoner answered, "but I am ashamed to write to them. I have a good pious old mother there, but it would kill her to hear of this. I was never accused of crime before, and if I did take the jewelry I did now know what I was doing. I am no thief, although appearances are against me."

There was a pause of a moment, when the district attorney asked, "Shall I enter a plea of guilty?"

"Yes," replied the prisoner, hesitatingly, "I have no defense except that I was intoxicated, and I am informed that that is no defense. I could bring witnesses from home to prove my former good character, but then my mother would hear of it. She is quite old and it would kill her. It is of no use for me to contend with the law. I will plead guilty. I hope the court will be merciful to me, and I will—never—touch—liquor again."

The prisoner dropped into his seat weeping and sobbing like a child, and it was very evident that he had the sympathy of both court and bar.

The attorney for the commonwealth was about to enter a plea of guilty, when the judge said, "District attorney, do not enter that plea; and turning to me his Honor requested me to defend the prisoner.

I consented, and determined to take every advantage the law gave me to secure an acquittal. I believed the man had been made a criminal by an authorized agent of that commonwealth whose peace and dignity had been offended by a crime she had tempted him to commit.

I know there is a great popular clamor against what is called the "tricks of the lawyers," which means that for the safety of

society the law has established certain inflexible rules to govern all judicial proceedings, and when an attorney takes advantage of those rules to secure the acquittal of a man made criminal by the licenses of the law, a virtuous and indignant people cry shame. Not shame on the law, through whose influence the man was tempted, but shame on the attorney who will not permit his client to be convicted until all the rules of law that justify such a conviction have been strictly complied with.

My code of morals may be somewhat loose, and may not meet with the approbation of that great class of moralists who are constantly thanking God "that they are not as other men," and that

> "When thousands he has left in night,
> They are here afore his sight;
> For gifts and grace,
> A burnin' and a shinin' light
> To a' the place."

Yet, when I have been called upon to defend a man made criminal by the licensed cup, I have never hesitated to avail myself of every rule of law and every advantage it gave me to secure an acquittal, and when successful have said to the poor law-made criminal, "go and sin no more."

I have defended scores of men accused of and guilty of crime who but for the influence that the law threw around them by the licensed drinking saloon, would have been as free from sin as the judge upon the bench or the jury in the box. And when I have secured an acquittal because the rules of law had not been complied with that demanded their conviction, my conscience has not troubled me. But when I was district attorney, and compelled by my official duty to prosecute to the prison or to the scaffold a man who had offended because he was drunk, and who was made drunk through the agency of the legalized emissaries of the law, the still small voice of conscience has whispered in my ear, "Your law tempted him, and he knew not what he did."

I was well acquainted with William D———, the prosecutor, whose property the indictment alleged had been stolen. I had known him from boyhood, and I remembered that previous to his marriage, five years before, he had been a journeyman

printer who had to labor for his daily bread, and it occurred to me that he had never been able to present his wife with the valuable jewelry described in the complaint, even if he were inclined so to do, a fact I doubted, for I knew him well. This led me to suspect that there might be an error in the indictment that would be of service to the prisoner provided *his* attorney had the turpitude to take advantage of it. I knew how moral the world was, and with what horror society looked upon crime, and how inexorable the laws were that manufactured criminals at the licensed saloons and bar-rooms, and then punished them in the prison or on the scaffold. I knew very well how the feelings and moral sense of the community would be shocked should the plan I had in view succeed, and the prisoner escape punishment. I knew that every pious man and good citizen who had signed William D———'s petition for license to make drunkards, would censure me and close their moral nostrils as they passed me on the street, that they might not inhale the odor of my iniquity. Yes, yes; I knew it all, and yet I felt a kind of grim satisfaction in the hope of being able to cheat the law of a victim its legalized emissaries had made, and in setting at defiance the opinions of that most respectable class of community who believe whiskey necessary to the comfort of the traveling public. I do not know why I had this feeling, and if called upon to explain I would most probably be compelled to give the same reason that "Topsy" did to Aunt Ophelia for her manifold transgressions.

In accordance with a rule of our court, I requested that the witnesses on the part of the commonwealth be required to retire to a jury room that they might not hear each other's testimony. This request, although unusual, is sometimes granted by the court when the defendant's counsel will state that he deemed it necessary to the defense of his client. I so stated in this case, and the witnesses, accompanied by a "tip stave," were requested to retire to an adjoining room, there to remain until called.

William D———, the prosecutor and the alleged owner of the saloon property, was the first witness sworn. He identified the articles found on the person of the prisoner as those that had been stolen from his house. He stated that the de-

fendant came to his house to board six months before, that he was at that time a sober and industrious man, but that he commenced to drink. "At last he would get on occasional sprees, but that of late he had got to be a drunken loafer and dead-beat," as he expressed it.

When the witness had testified in chief he was given to me for cross-examination, and the following dialogue ensued:

Question. "Mr. D———, are there any marks on the articles found in the pockets of the prisoner, by which you can identify them as *your* property?"

Answer. "There are no marks, but I know them, and am certain that they are *mine*, and were taken from a room in my house."

Experience has taugh me that if an attorney wishes a witness to testify positively to a fact, he must do two things:

1st. Make the witness angry.

2d. Then make him understand that he (the attorney) does not wish him to testify positively to that fact, and the end is accomplished. Alas, poor frail humanity!

Question. "You stated that when the defendant first came to your house to board he was a sober, industrious man?"

Answer. "Yes, sir, I said so, and it is truth."

Question. "Then, sir, was it not through your influence and the whiskey you sold him that he became a 'drunken loafer and dead-beat,' as you say he is?"

Answer.—In no amiable tone—"No, sir. He got liquor at other bars beside mine."

Question. Can you be positively certain that the stolen property is *yours*, when you say there are no marks on it by which you can identify it?"

Answer. "Yes, sir, I am certain I know it is *mine*."

Question. "Might you not be mistaken? May not this property belong to some other person?"

Answer. "No, sirre-e! I am not mistaken. It is *my* property, and I know it."

Question. "You know it is *your* property? How do you know it?"

Here the able district attorney objected to the question,

stating to the court that the witness had answered it three times, and that was sufficient.

The court thought so too, and sustained the objection, stating that the witness had repeatedly said that the property was his.

I quietly subsided, only remarking that I desired to have the ownership of the property proven as laid in the indictment, beyond controversy, and that I had no more questions to ask.

The witness retired from the stand, with an undiminished opinion of his ability to withstand a cross-examination, giving me a look as he passed that plainly indicated his opinion of lawyers in general, and myself in particular, and which I thought at the time was not flattering either to the profession or myself.

The "tip-stave" conducted the witness to the retiring-room, and at the request of the district attorney conducted Mrs. D———, the wife of the witness, to the stand.

The oath was administered and the stolen property shown her, which she also identified, stating that it was taken from her bureau drawer in her bed-room, thereby confirming the statement of her husband in the most positive manner.

I then proceeded to cross-examine her, when another dialogue ensued, as follows, only conducted much more amiably on my part.

Question. "Madam, you are the wife of Mr. William D———, I believe. How long have you been married?"

Answer. "We have been married about five years."

Question. "How long have you owned the property found in possession of defendant?"

Answer. I bought the bracelets six years ago. The breast-pin my mother gave me as a Christmas present the winter before I was married, and the ear-drops my father gave me as a wedding present the day before I was married."

Question. "Then you had all this property before you were married? Are you sure of that?"

Answer. "Yes, sir, I am sure. I cannot be mistaken in the property; besides there are marks on the bracelets that I recognize, also on the ear-drops."

Here I thought I observed that the district attorney was getting uneasy.

Question. "Madam, perhaps I am mistaken. Did I understand you to testify in chief that the property was your husband's?"

Answer. "I don't know whose you'd call it in law; but the property is *mine;* was *mine* before I was married."

"That is all, madam," I blandly remarked.

The witness retired and the district attorney, who had been writing rapidly for the last few moments, arose and moved the court for leave to amend the indictment by changing the name of the alleged owner of the stolen property from William D——— to Susan A. D———.

The court allowed the amendment, and after two or three additional witnesses had been called to prove the finding of the property on the person of the defendant, the commonwealth rested.

By a rule of our court, when the defendant calls no witnesses his attorney has the concluding argument to the jury. We called no witnesses, but rested our case on the evidence produced on the part of the commonwealth.

The district attorney proceeded to the jury with the usual statement of the law, "That when stolen property was found in the possession of a person immediately after the larceny had been committed, the burden of the proof was on that person to explain how he came in possession of it; and if he failed to do this in a satisfactory manner, the law presumed him to be guilty." After a most convincing argument devoted entirely to that part of the case, he concluded with the usual appeal to the jury to do their duty fearlessly and uninfluenced by sympathy for the defendant.

Our answer was very brief, and in substance as follows:

Gentlemen of the jury: The prisoner at the bar stands indicted for the larceny of certain jewelry of the value of $230, the said jewelry being laid, as the indictment is now amended, as the property of Susan A. D———, and to justify a conviction you must be satisfied beyond a reasonable, well founded doubt, not only that the jewelry was stolen by the defendant, but that it is the property of Susan A. D———. Are you so satisfied? The husband, William D———, testified in the most positive manner, that the jewelry belonged to him. His wife

testifies that it is hers. Here we have an oath against an oath, and how shall you determine which of the two statements is true. Where two witnesses are produced in the trial of a cause who testify in a most positive manner to an entirely different state of facts, how are you to determine between the two? Both cannot be correct. One of them must either be mistaken or wilfully tell an untruth; and which of the two shall you believe? The law gives you no rule to guide you, except that you must try to reconcile the testimony if possible, and if you cannot do it, then you will believe the witness that in your opinion is the most entitled to credit. Now, if you know nothing of the witnesses save what you saw on the witness-stand, and both appear equally credible, how shall you determine? In this case you will observe that the husband testified in the most positive manner that the property was his. If his statement is true, you cannot convict the defendant on this indictment as it has been amended. The wife testified in an equally positive manner that the property stolen is hers. If her statement is true then the indictment is sustained, and your verdict must be guilty. But how are you to determine between the two? Fortunately for the prisoner, there is a fact proven in this case that will go far, very far, to sustain the reputation of the husband as being worthy of credit, while there is nothing to sustain the reputation of the wife. Recollect, gentlemen, that you know nothing of the woman, of her reputation or her moral standing. For aught you know she may be a "whited sepulcher," and entirely undeserving of credit; but it cannot be so with the man, for this reason: You know, gentlemen, that it is our pride and boast that we are citizens of a great and Christian commonwealth; that it is the object of our legislative body to enact only those laws that will be productive of good to the citizens. You know, gentlemen, that wisdom is stamped upon the brows of our legislators, and truth and justice clothe our judiciary with a spotless mantle. A few years ago our legislature enacted a law giving the judiciary of our commonwealth the right, under certain circumstances and requirements, to grant certain franchises to men of temperate habits and good moral character. This franchise is one in which our State takes great interest, and shares the profits

arising therefrom with her citizens. That is, if a man of temperate habits and *good moral character* will pay into the treasury of the commonwealth a certain specified sum of money, she will grant him the privilege of selling to the public that which makes drunkards of her citizens and utterly destroys their moral character forever. Why this franchise is only granted to "temperate and moral men" passeth our comprehension, gentlemen of the jury. Nevertheless, such is the wisdom of our law; and you will remember that a great lawgiver once said, "that the law was the perfection of reason," and it is sufficient for us in this case to know that no man but a man of "good moral character" can have a license to sell liquor, for "Thus saith the law." Now, William D———, who so positively testified that the property stolen was his, has a license from this court to sell whiskey, and therefore must be a man of good moral character, and as such is and must be more entitled to your credit and belief than a woman of whom you know nothing and whose reputation is not established before you, as is her husband's by the evidence of a license granted by this very court. Of the woman's reputation or moral character you know nothing; but to sustain the man's moral character we refer you to a certificate signed by twenty good men, and to a license attested and sanctified by the broad seal of this commonwealth. Which of the two witnesses then will you believe? Which is the most entitled to your credit? The one whose character is known and certified to, or the one who is entirely unknown to you?

Gentlemen, this man has been ruined by the legalized agents of the law. He is a moral and a physical wreck, made so by the emissaries of the law. That law gives those it licenses a certified moral standing; and may not the defendant avail himself of this when they testify in his behalf?

In the name, then, of the law which seeks to condemn him; in the name of its time-honored rulers and the justice they invoke, I ask his acquittal at your hands because the testimony that he has stolen the property of the *owner* laid in the indictment is not sufficient to warrant a conviction. I invoke in his behalf and for his protection the provisions of the law which has made him a drunkard and an outcast from his home and

friends, and I ask you to say by your verdict that in a case where the liberty of a citizen is in issue, the uncorroborated testimony of an unknown woman shall not prevail against the evidence of a man whose moral character is known and certified to by this very court. I tell you, gentlemen, that a man who owns a "good moral character" in this wicked world is possessed of something that can not be purchased in the marts of trade, something that gold will not buy, that moths and rust cannot corrupt and that thieves cannot steal. Without it a man cannot ruin his fellow men under the protection of license. Without it he is not believed in a court of justice; but with it his testimony deserves every consideration by a jury. I leave the defendant with you, calling your attention to the prayer uttered at the world's great tragedy: "Father, forgive them, for they know not what they do." May the spirit that prompted that petition guide you in your investigation of this case and preside over you and mould and influence your verdict.

The court charged the jury favorably. After an absence of only a few minutes they returned with a verdict of "Not guilty."

The audience in the court-room was delighted at the result, but the man of "good moral character" was both astonished and disgusted at the weight his position as a licensed whiskey-seller had given his testimony before the jury.

The defendant returned to his home a man sobered and changed by his terrible experience, and is now a prosperous merchant, respected by all who know him. The secret of his crime is unknown in the community where he lives, and when a few years since I met him on a steamboat on Lake Ontario there was nothing in the appearance of the well-dressed, gray-haired gentleman that suggested a thought of the drunken criminal who had cheated justice of her dues because her tribunal believed the testimony of a man of certified good moral character in preference to the uncorroborated testimony of an unknown woman.

Two years after the trial I met Mrs. D——— at a convention of the Woman's Christian Temperance Union. I saw by the sparkle of her eye that she had something to say to me, and

in a spirit of conciliation I politely touched my hat to h—r, when she remarked: "Mr. R——, I want you to understand that my reputation for truth is as good or better than my husband's."

"I do not doubt it, madame, and never did," I replied with more than my accustomed suavity.

"You don't doubt it!" she continued with a look of unfeigned astonishment on her pretty countenance, "well, you have the queerest way of telling the truth, then, before a jury, I ever heard of. But I am very glad you cleared the poor fellow. Selling whiskey is a mean, nasty business, anyhow, and after the trial I told Will that he should quit it; that he should not engage in any business that would make a jury believe him before me; and he did quit. But he did not intend to testify falsely. You see, he thought that after he married me what was mine was his, and what was his was his own. But he knows better now. That trial helped me to open his eyes; and I do believe that if he had got a license another year it would have made *him* a drunkard and ruined him. But he is all right now; belongs to a temperance society, and is a good deal better man than he was when the jury believed him in preference to me. It made me very angry for a short time, but I am very glad it happened. It saved the father of my children from becoming a drunkard, and me from the horror of being a drunkard's wife."





A FATAL MISSTEP.

CHAPTER XIX.

THE SIREN AND HER VICTIM—MY OLD FRIEND'S STORY.

"With woman's form and woman's tricks
So much of man you seem to mix,
One knows not where to take you.
I pray you, if it's not too far,
Go ask of Nature which you are,
Or which she meant to make you."

—*Moore.*

"'Tis woman that seduces all mankind;
By her we first are taught the wheedling arts."

—*John Gay.*

"DID I ever tell you of a remarkable case I had in a court of the territory of California many years ago?" inquired my old friend, Judge O—— of me one evening, as, seated by my office fire, we were exchanging reminiscences of the past.

The judge was a veteran in the profession, and a man of varied experience. He had spent a number of years on the Pacific coast, and had practiced in the first courts organized in California by our government immediately after the Mexican war. He was an excellent story-teller, full of incidents of personal experience in the pioneer courts of the "Great West." He had practiced law in those early days when the temple of justice was the spreading branches of a cottonwood tree, and the jury-rooms a near by chaparral, when Judge Lynch presided over the judicial tribunals of the mining districts, and where the sentences of the courts were executed with a celerity and completeness that ignored "red tape," and rendered it wholly unnecessary to keep a record of the trial; for it seldom happened that a reversal of the proceedings by a higher court would have been of any avail to the accused.

"No, judge, you never told me that case," I replied, "and I should be glad to hear it."

My old friend lighted a fresh cigar, placed his feet on the edge of my office table, and tilted his chair back to one of those almost impossible positions that seem to utterly defy all known laws of gravity.

"Did I never?" he inquired eagerly, while his face brightened with the ardor of a genuine story-teller, who knows his capabilities and enjoys them as much as do his listeners. "Well," he continued, "it is one of the most singular incidents I ever experienced; the whole field of fiction cannot give its parallel, and it is true, every word of it."

In the year 1850 I crossed the plains, and reaching the Pacific coast, located in the then new and thriving town of T——, in northern California. It was a place of great resort for the miners of the mountain districts who came there to purchase supplies and deposit their dust in the bank of Monroe Brothers for safe keeping, or to spend it in the many bagnios, drinking saloons, or gambling hells, that lined the streets and poisoned the very air with the breath of their infection.

The firm of Monroe Brothers, bankers and brokers, consisted of two members, William, a man of about forty years of age, and his brother Frank, some ten or fifteen years younger. The elder brother was married to a very estimable lady, the sister of the presiding judge of the courts of the territory; the younger brother was unmarried. In those days marriageable women of the better class of society were a very scarce article in the matrimonial market of California, and as the demand was much greater than the supply, they were quoted at a high figure, and eagerly sought after.

The firm of Monroe Brothers was very wealthy, and enjoyed a most excellent reputation; so much so that they possessed the confidence of the miners, who deposited their "dust" in the vaults of the bank for safe keeping while they were at work in the mountain. The bankers employed a number of clerks, but their increasing business required another who was to occupy a confidential position and, *ex necessitate rei*, would be entrusted with the keys of the vault and the business secrets of the firm. It was also necessary that *this* clerk should be a good accountant and well acquainted with the banking business. In short, he must be honest and capable. To such a one the wealthy bank-

ers were willing to pay a large salary; but where could such a paragon be found? That was the question that was being discussed by the brothers one day, in the private room of the bank. They had advertised in a number of papers in the States for a clerk who possessed the requisite skill, and who could furnish the required certificates of good character. A number of applicants had applied, and been "weighed in the balance and found wanting."

The temptations in the territory were so many, the allurements of vice so attractive, and the power of the law to punish was as yet so feeble, that the bankers were very cautious as to whom they trusted. Wine and women on the one hand, and lust for gold on the other, were the "Scylla and Charybdis" where many a bark had foundered which had left the States freighted with moral rectitude and good intention. Many a young man, the pride and hope of parents at home in the States, was either wrecked upon the rocks of avarice or overwhelmed in the whirlpool of debauchery.

The door of the private room of the bank opened and a clerk of the outer office handed the elder brother a card on which was written in a bold, clerkly hand, "Monroe Franklin, accountant." The singular coincidence in the name attracted the attention of the bankers, and the clerk was directed to show the visitor in. He entered the room with a modest, diffident air; a young man of apparently twenty-three years of age; below the medium stature, he was well formed and had the appearance of a gentleman who had mingled in good society. His dark brown hair clustered in short curls over his shapely head, while a silken moustache shaded his lip, giving a masculine appearance to features that without it would have been somewhat feminine. His eyes, dark and lustrous, had an open, ingenuous expression, calculated to beget confidence in those with whom he came in contact. He was self-possessed and prepossessing in appearance, and his conversation showed that he was well educated. He informed the bankers that he could speak French and German, and that he was an experienced book-keeper and accountant. The brothers, after an extended conversation with him, became satisfied that he was competent to fill the position he sought, and asked him if he had any references as to his

character. He informed them that he had lost a portion of his baggage while crossing the plains, and with it his letters of introduction; that he was poor and had an aged mother in New England who depended on him for support. He begged them to give him any situation in the bank that would test his capability until he could satisfy them that he was worthy of their confidence. They directed him to call the next morning, and after some discussions, and objections on the part of Frank, they at last concluded to employ him. When I first became acquainted with him he had been in the bank three years, and was the trusted confidential clerk of the firm. He was a model of propriety, never visiting any of the low places of amusement in the town, which had by this time become a city of 20,000 inhabitants. He was a fine musician, and soon became very popular with both young and old in the circle of society in which he moved. Between him and Frank Monroe there seemed to exist the warmest feelings of friendship. They were frequently seen wandering along the sea shore together in the evenings, enjoying their fragrant cigars, and it was evident to all observers that the positions of employer and employe were entirely ignored by the young banker, and that his clerk was also his companion and friend. I need not say that the young man was very popular among the young ladies of his acquaintance. For how could it be otherwise? Young, handsome, and receiving a good salary, which he was shrewdly investing in real estate rapidly increasing in value, a fine performer on the guitar and piano, absolutely without any of the bad habits incident to his age and surroundings—excepting his love for his cigar—what wonder is it that many a young feminine heart beat faster at his approach, and many a tender glance from bright eyes welcomed him as a visitor, and many a scheming mother looked complacently on, and even encouraged an intimacy that might rob the parental fold of a favorite lamb. But the clerk seemed invulnerable alike to the arrows of Cupid and the snares of maternal solicitude. His books, his cigar, his music and the companionship of Frank Monroe seemed to divide and occupy all his leisure hours, while he permitted nothing to interfere with his hours of business in the bank.

Residing on a hacienda near the town of T—— was a wealthy

invalid old gentleman, who boasted his descent from the early Spanish invaders of Mexico. His family consisted of a son of nearly thirty years of age, and a beautiful daughter, whose age was one of those uncertain facts so puzzling to Lord Dundreary. When accidentally seen by the unexpected visitor in the early morning, seated on the veranda of the parental hacienda in dishabille, she had a tarnished, damaged appearance, like the shelf-worn goods of a country store, and he would have been a hardy sporting man indeed, who would have bet upon her age without an opportunity of hedging his risk. But, seen in the glare of lamp-light in a ball-room, got up for the occasion, with the help of cosmetics and the skill of her maid, she was as beautiful as one of the Houris of an oriental paradise, on whose cheeks and radiant brow perpetual youth bids defiance to the touch of age; while there was a soft voluptuous languor about her as intoxicating as a bottle of champagne or that villainous Mexican whiskey on which the Greasers get drunk. Here the narrator paused a moment to relight his cigar.

"Excuse me, judge," I remarked, "but while your figures and comparisons may not violate the rules of rhetoric, yet it strikes me they are a little abrupt in their transition from the sublime to the ridiculous—particularly so when they are applied to a lady!"

"Applied to a lady!" he ejaculated, "who said she was a lady? I did not—neither was she a lady in the sense in which you use the term; but an unscrupulous young woman, not pure enough to attend the fire of Vesta, but beautiful and seductive enough to tempt an anchorite to forget his vows. No! no! not a lady, but a bright-eyed, red-lipped siren, that always reminded me of what the poet said of that brilliant and poisonous flower, the fox-glove, the most beautiful in the garden:

> "But woe to him who rashly sips,
> There's poison on her blushing lips."

"Please don't interrupt me," the judge continued, "you break the current of my thoughts with your commonplace remarks. She was a woman, as I said, but not a lady. Well, at a public ball she was introduced to Monroe Franklin, the young clerk, and from that introduction they became quite intimate.

The Siren, like her fabled sisters, had a wonderful gift of song that enchanted all hearers, and mutual tastes made them intimate. He used to visit the *hacienda* frequently. Like the mariners of the Italian seas he seemed powerless to resist the spell of melodious sounds. He had not the firmness of Ulysses, and there was no warning Circe to bid him beware. It is true that Mrs. Grundy began to surmise and frown, and whisper uncanny things about the growing intimacy between the clerk and the Siren; but the whispers were unheeded and the intimacy continued with unabated ardor.

Theodore, the brother of the Siren, was a tall, dark, handsome man, very dissipated in his habits and extravagant in his tastes. He was known to be an expert gambler, and was suspected of being guilty of graver crimes, and of belonging to a class of outlaws since known by the significant soubriquet of "road agents." There was no positive proof of this, but well-founded suspicion pointed towards him, and rumor whispered many tales to his discredit. For weeks at a time he would be absent from the hacienda. On his return he was always "flush" and would spend his money lavishly. He would carelessly remark to his acquaintances that he had been to New Mexico to sell cattle from his ranch. The statement was received without a question, for his reputation as an unerring shot with the revolver was well established all over the territory.

On the night of the 4th of July, 18—, there was a public ball at the assembly rooms in the city of T——. All the elite of the city were there, and among them the Siren and her brother, the clerk and Frank Monroe.

> "There was a sound of revelry by night,
> And the city of T—— had gathered then
> Her beauty and youth; and bright
> The lamps shone o'er fair girls and young men;
> A hundred hearts— —"

"Don't! don't, judge!" I remarked, "I would rather take the story as you Californians take your whiskey, 'straight' and undiluted. *Tempus fugit*, and life is short."

"That's a fact, R——," the judge replied, tartly, "and there

are those who do not appreciate pearls. The Bible admonishes us of that fact, and suggests an instance of wasted generosity.

"I was at the ball, and I think I never saw a more beautiful woman than the Siren. She danced first with the clerk, and after that Frank Monroe seemed to monopolize her entirely. Her brother looked on with a pleased expression on his dark features, while the clerk saw the intimacy with evident pain. Time passed, the hours flew by like minutes, the hands of the clock pointed to the

"Wee short hour ayont the twal,"

when the clerk, with a moody brow and aching heart, left the crowded room unobserved, and reaching his room in the bank, where he slept, threw himself on the bed and sobbed as if his heart would break.

"Fool that I am," he whispered, "that I cannot conquer a love that can only lead to pain and disappointment.'

At that moment he heard a faint sound at the rear door of the bank, which opened into his room. He listened intently and soon heard whispers, and the knob of the door was cautiously turned.

He arose from the bed, took a loaded revolver from a bracket, and with noiseless tread approached the door. In a moment he heard a noise like the cutting of a centre bit, and soon he saw a faint ray of the starlight without shine through a hole that had been bored through the door near the lock. He listened intently, and again heard the sound of the bit as it entered the wood. It at once occurred to him that the burglars intended to bore around the lock, remove it, and then by inserting an hand and arm remove a bar that was across the door above the lock, when it could be easily opened. As long as the bar was in its place he knew that the door could not be opened even if the lock was removed. He waited with bated breath until hole after hole was bored through the door. In a few moments the wood around the lock was cut away, and the lock noiselessly removed from without. Soon he saw the dim light of the opening obstructed by a hand, and knowing that the body of the burglar was in range of his revolver he placed the muzzle

near the hole and fired. There was a yell of pain, a muttered oath, and the man fell against the door. Immediately after he heard footsteps, as if the companion of the burglar he had shot was approaching the door to remove his wounded or dead companion. He thrust his revolver through the hole and fired a random shot. Again he heard a cry of pain, and immediately the retreating footsteps of the burglar as he ran away from the building, then all was still. You may well suppose that the remaining hours of the night passed slowly to the clerk, as he sat in the darkness, his imagination magnifying every sound into a renewed attempt of the burglars to enter the bank. He did not dare to open the door in the darkness, for fear they yet lurked around the building, and he was in hopes that the shots he had fired would alarm some passer-by who would come to his relief. Once or twice he thought he heard a groan from the man he had shot, but of this he was not certain.

Morning came at last, and when the first rays of the rising sun entered the hole the burglars had made, he cautiously unlocked the front door, and called to some men who were passing by. An alarm was immediately given and soon the bank was surrounded by a number of citizens. Lying against the back door was found the body of the dead burglar, who had been shot almost directly through the heart. He was a stranger, well dressed, and yet held in his hand the brace and bit with which the holes had been bored through the door. A few drops of blood were found in the yard between the bank and a back street or alley, through which the accomplice of the dead man had escaped. It was evident that *he* had been wounded by the second shot. It is needless to go into the details of the investigation that ensued. One or two witnesses remembered that they had seen the dead burglar in company with the brother of the Siren a few days before. An officer was immediately sent to the hacienda, and was informed by the sister that her brother returned with her from the ball, and had started that morning for his ranch in New Mexico.

The clerk was warmly congratulated by his friends for his coolness and bravery in defending the bank. Frank Monroe was unbounded in his praise, and one old miner as he seized the reluctant hand of the young man said: "Bov, ye'r a brick—I

didn't think ye'r had so much sand—ye look almost like a baby —but ye acted like a man. That boyish face of your'n lies about yer, d—d if it don't. My dust is in the bank and old Sam Biglow is yer friend, an don't ye'r forget it, my boy !"

At the inquest, when the clerk was called in to testify and was confronted with the dead body of the burglar, he turned pale, and covering his face with his hands, burst into tears.

"Shows the white feather after all ;" remarked a bystander.

"Ye lie, stranger !" said old Sam emphatically. "The boy has a kind heart, and this thing is new to him. I cried like a baby the first time I laid a man on the sod with his toes up—but got used to it arter a while, and didn't mind it more'n killing a Digger or any other varmint. The boy's all right and there's lots of grit behind that baby face of his'n."

After this event the clerk was more retiring than before. He was seldom seen outside of the bank unless accompanied by Frank Monroe, who seemed to be more attached to him than before.

One evening, a few days after the event we have narrated, the banker and clerk were walking along the sea shore towards the hacienda, where they were going to spend the evening at a musical soiree given by the Siren. They had walked some distance in silence when the banker remarked : Monroe, you know how much attached I am to you, and what an interest I feel in your welfare. Will you permit me to advise you as I would were you a brother? for I believe I love you as much as I do brother Will. The clerk looked up in pleased surprise, while a blush like that of a school girl flushed his cheek behind a voluminous cloud of cigar smoke which concealed it from the observation of the banker.

"Mr. Monroe," he said after a moment's hesitation, and in a voice whose tremor the smoke of his cigar did not conceal, you and your brother are my only friends, all others here are but acquaintances. Your good opinion I value more than all the world beside, and I will not only listen with thankfulness to your advice but will obey it with pleasure."

This was said with so much *naivete* and feeling that the banker looked earnestly and inquiringly at him for a moment, then said: "I have noticed with pain your growing intimacy

with the Siren. My boy, she is not the girl to be loved by you, or to love you as you deserve; and although she is not yet twenty-one years of age, yet she is a cool, calculating, designing woman. Remember that in this climate women of her race and blood mature in body much earlier than in New England. She was a woman when I first became acquainted with her eight years ago, and since then I have known that of her which renders her unfit to be the wife of an honest man. I know this will pain you, my young friend," he continued, "but so does the knife of the surgeon even when it cuts to save human life; so does the cauter when it sears the quivering flesh, yet health follows its burning touch. I must tell you a secret, and I pity you for the sorrow it will cause you, but I know her to be an unscrupulous woman; young in years but old in vice; and I believe her to be an accomplice of her brother, who is a gambler and a swindler. I am confident she was the mistress of the man you shot at the bank, whom I know to have been an intimate friend of her brother, and a frequent visitor at the hacienda. On the night of the ball Theodore left the room a few moments before you did, he was absent about two hours when he returned and spoke to his sister. Immediately after she went to the cloak room where they had a short interview, when he ordered their carriage, and bidding me a pleasant good-night she excused herself for leaving, stating that her brother had to start for his ranch in New Mexico very early in the morning and that she must go home with him. During their interview I stood where I could see them. Theodore was as pale as a corpse, and his dark Spanish face was at times fairly distorted with passion. The Siren herself was very much agitated, and it was with great difficulty that she could restrain her emotions while she talked to me with quivering lips and faltering tongue. Monroe, I am confident that the man you killed was her paramour, and that her brother was his accomplice. Your second shot probably wounded *him* slightly, and after staunching the blood for a short time he appeared in the ball room, was seen by a number of persons, and if suspected of the burglary would be able to prove an *alibi* by his sister and friends. This is the reason why he left for his ranch in New Mexico which I believe to be a rendezvous for desperadoes and road agents. If my suspicions are true, and

they are well founded, you must see that your intimacy with the Siren must cease. She was very lavish with her blandishments on us the night of the ball, the time fixed for the burglary, because it was known that both you and I would be there, and that the bank would be left alone for a few hours. Her part of the programme was to infatuate the banker and his clerk with her smiles, keep them near her, while her brother and paramour committed the burglary. This well devised plot would have been executed but for your silly jealousy of me, my poor boy. I monopolized her for the evening only to show you that she preferred the banker to his clerk because he had the most money, yet I believe

"She could have been happy with either,
Were the other dear charmer away."

In a few weeks her brother's wound will be healed, and he will return. He will try to "fix a quarrel on you," as the miners say. His Spanish blood will not let him rest until he is revenged for the death of his comrade and your untimely interference with his little scheme to appropriate my funds to the use of himself and his charming sister. You must be careful not to give him any opportunity to quarrel with you. He is a dead shot with the pistol, and should you consent to fight him he would certainly kill you. If he did, the miners would mob him. Judge Lynch would see that he was convicted and executed, but, my poor boy, I love you too well to let you take any risk. I think you had better go east to the States, for a few months, until his anger is cooled and until you conquer your love for the worst woman I ever knew.

While the banker had been relating this "strange story" to his clerk they had seated themselves on a rock, that was almost washed by the rising tide. The darkness of twilight prevented the banker from seeing the look of pleasure and surprise on the countenance of his companion, and he was very much surprised at the tone of gladness with which his clerk answered him.

"My only true and valued friend," said the clerk, "I am astonished at your narration. Yet I think I too had discovered the lurking perfidy of heart beneath the beautiful exterior of the "Siren." But you are mistaken in regard to our intimacy.

It was only because she is a musician and under her instructions I was perfecting myself in an art I so dearly love. I thought I could see her unscrupulous designs towards yourself. I never loved her, and on that evening I was jealous it is true—but—of—her,—not—of—you. I will say no more now, but will sometime explain what I mean. I will visit her no more, not even this evening will I attend the soiree to which we are invited. What you have said has caused me no pain, but pleasure. I feel that you are safe from her fascinations, that you know her as she is; that my fears are groundless, and I am so happy." The last words of the clerk were uttered in an almost inaudible tone as he arose from the rock on which he was seated. "I will go no further with you this evening. You can make my excuses to the Siren for not attending her soiree. Tell her I have a headache, which is true. An hour ago it was my heart that ached. Good evening, my friend," he said with a choking voice, and turning homeward he disappeared in the darkening twilight, while he vainly tried to stifle the sobs that welled from the overflowing heart, and to suppress the tears that moistened his eyelids. "Is this my manhood," he whispered to himself; "am I the young man who killed the burglar and conducted himself so bravely as to elicit the praise of such men as old Sam Biglow who think cowardice an unpardonable sin? and cannot I control my emotions when I most desire to do so? Like Eachin, the chief of "*Clan Quhele*," I must have been suckled by a white doe, for I am a coward, and belie the manhood that shades my upper lip. But oh, I am so happy!"

"Poor boy!" mused the banker as alone he continued his way towards the hacienda. He feels the blow terribly, and has yet to learn that

> "He who stems a stream with sand,
> And fetters flame with flaxen band,
> Has yet a harder task to prove—
> By firm resolve to conquer love!"

"But she does not love him. I am satisfied that for some time her brother and his accomplice contemplated robbing our bank, and that she was exerting her fascinations on an innocent, guileless young man, hoping eventually to use him in some way

as an instrument to assist her brother and lover in accomplishing their design; and now that he killed her paramour, I am afraid he cannot escape their revenge. If her brother could find some excuse for killing the boy that would justify the act in the opinion of Judge Lynch and his jurors, he would do so without mercy or remorse."

Arriving at the hacienda, where the company had already assembled, the banker was met by the Siren with a smile of welcome. Dressed in a rich and becoming costume, she glided through her elegant parlors the very embodiment of the spirit of beauty and song. Few men could have resisted the influence of her charms, and but few would have attempted resistance, but the banker belonged to that few. He mistrusted the Siren, and became a very Argonaut in her presence.

"Where is my faithful knight, Mr. Franklin?" she inquired with a smile on her lip, though a deadly gleam lurked in the depths of her beautiful eyes. "He should be here to pay his devoirs on this my birth-night anniversary, or forfeit the spurs of his knighthood for being recreant to his knightly vows."

"He is not well," replied the banker. "Ever since he shot the burglar at the bank he has been nervous and excited. I believe he regrets the act, although all others not only justify it but think it deserving of praise; what think you?" and he looked keenly at the beautiful woman before him. Her bright eye quailed not beneath his gaze as she replied, "*The man deserved to die*, but he may have friends or accomplices who will revenge his death, and it were well for Mr. Franklin to be careful. There may be a *Nemesis* on his trail."

"True," replied the banker, "but Mr. Franklin has friends who will stand by him, and who will resent any attempt to injure him as if it were directed toward themselves. I would advise *Nemesis* to ponder well before she acts."

For a moment the "Siren" and "banker" looked at each other as if each were trying to determine whether the last sentence they had uttered had a deeper meeting than was indicated by the mere words: at length she said, "Please tell Mr. Franklin that I am sorry for his indisposition, that I wish to see him soon on a matter that will brook no delay." Turning away she

seated herself at the piano, and soon the room was filled with the melody of her song.

The banker walked thoughtfully home; "what is it," he whispered "that will brook no delay?"

The next morning he repeated the words of the Siren to his clerk, who blushed like a school-girl, and immediately seemed deeply engrossed with a column of figures in the bank ledger, while a half suppressed smile flitted over his handsome face as he stroked his silken mustache with the affectionate finger of early manhood and the pride of youthful possession.

Two or three uneventful months passed after the incident of the burglary, when one evening as I was seated in my office poring over "a tome of musty legal lore," my young friend, Monroe Franklin, entered my office in company of a police officer. He greeted me with a pleasant smile as he seated himself nonchalantly in one of my arm chairs, and carelessly throwing one leg over the arm seemed to be admiring his dainty patent leather boot as it swung like a pendulum to and fro. "Constable," he said at last, "please show the lawyer—the paper—the—what do you call it? a warrant I believe."

The officer handed me a paper and I read with astonishment, that it was a warrant issued by an alderman against "one Monroe Franklin, clerk," on the complaint of the "Siren," and directing the officer "to arrest the said Monroe Franklin without delay, and to bring him before the said alderman, to answer a charge of seduction under a promise of marriage, and to have then and there this precept," &c., &c.

After I had read and re-read the formidable legal missive I gazed at the young culprit inquiringly. By this time he had got both his boots in a position where he could gaze with pride on their diminutive proportions. With his taper fingers he fondly stroked his mustache as he looked up at me inquiringly for a moment, then remarked with the utmost sang froid:

"Well, Mr. O——, what is it? What have I been doing? and what are the consequences?"

"What have you been doing? you young 'scape grace,'" I replied good humoredly, "why, sir, you have been guilty of one of the wickedest offenses known to the law; that of seducing a

young and innocent girl under twenty-one years of age, under a promise of marriage."

"You don't say so!" he remarked with an expression of surprise on his boyish face—"when did it occur?" he inquired nonchalantly, as he took a cigar from his pocket and leisurely proceeded to light it. "How did it happen?" he continued, "do tell me all about it."

Verily, thought I, you are about the coolest young scamp it has ever been my pleasure to see in the hands of the law. "Tell you all about it?" I repeated, "Why you must know all about it yourself. You must know whether you are innocent or guilty of the crime charged against you."

Is that so?" he remarked naively. "Well you see, Mr. O——, *we* are *all* of us guilty of so many offenses against the law that we cannot be expected to keep a correct account of them as we do of our business transactions up at the bank."

"Speak for yourself, young sir," I remarked as severely as I could, "you are in a bad scrape, and probably will either have to give bail for your appearance at court to answer a very grave charge, or go to jail, or settle the matter by marrying the girl."

At this he burst into a hearty fit of laughter, so musical in its tones that it rippled along the air like the warbling of a bird. I was almost offended at his levity, and as I looked at him I thought he was the most hardened young villain that ever trifled with female affections, at least in all my legal experience. "Your mirth is very ill-timed," I remarked, "you do not seem to be fully aware of the danger that you are in; a conviction of the offense charged would subject you to an infamous punishment if the law was administered by the court; and probably if you were tried by Judge Lynch, the sentence would be either to marry the girl you have wronged, or be hanged on the nearest tree."

"That leaves me but little choice," he coolly answered, "and I hardly know which of the sentences would be preferable. I think the latter would be the pleasantest and most desirable, don't you? You are an old bachelor, I believe, Mr. O——?"

At this moment Frank Monroe, the banker, entered the office. He had heard of the arrest of his favorite clerk and im-

mediately came in to learn what the trouble was. As soon as he entered my office the whole bearing of the young culprit instantly changed. The tiny patent leather boots were immediately swung from their elevated position and rested demurely on the floor, and as the banker looked at his clerk with a grave and even severe expression the young man blushed and hung his head in shame.

I explained to Mr. Monroe the nature of the offense charged against his clerk, and the probable consequences of a conviction, and that I thought it was not advisable to have an examination before the justice for fear that Judge Lynch might take the matter in hand and treat my client to a summary conviction and punishment; for in that early day in the territories "Justice did not move with leaden feet," although she did "strike with an iron hand."

"Will you permit me to have a few minutes of private conversation with the young man?" inquired the banker. This of course was permitted, and they stepped into my private office. What was said there I do not know but in a few moments they returned, the clerk in tears and the banker's eyes looking suspiciously moist.

"I will go the young man's bail," said Mr. Monroe, "and let there be as little publicity as possible in conducting the disgraceful proceedings. I would not do it," he continued, "but I believe him to be entirely innocent of the charge, and the victim of a designing, artful woman."

Here a faint smile flitted over the face of the culprit like a ray of sunshine amid the rain clouds of an April sky. It was unseen by the banker, but did not escape the eye of a lawyer; and it confirmed me in the bad opinion I had formed of him before his private interview with Mr. Monroe, but which had been somewhat modified by his tears of apparent contrition. The bail was entered in due form of law, and the banker and his clerk walked up the street to the bank; but for several evenings they were not seen taking their usual walk together along the shore.

The court was to convene in a few weeks for the trial of criminal cases, and I waited somewhat impatiently for another visit from my client to make preparations for his defense. He

did not come. One day I met him in the street and reminded him of his neglect in preparing his case. I again warned him of his danger. He answered me pleasantly:

"Don't be alarmed, Mr. O——," he said, "I have a perfect defense to the accusation and will never be convicted. I will tell what my defense is in time to be available."

I did not see him again before the sitting of the court and the grand jury had found a "true bill" against him on the evidence of the Siren alone. I was so provoked at the young man's indifference and neglect of his case that I had lost all interest in his defense, and did not care what the result might be. On the morning of the day set for the trial of the cause he stepped serenely into my office, and proffering me his cigar case, invited me to "take a weed."

"What under Heaven do you mean, young man?" I inquired in a grave tone, "are you crazy? Cannot I make you see the danger of your situation? The case is coming on for trial and you have made no preparation for your defense. You will be convicted and imprisoned as sure as fate. Remember that a most beautiful woman will be a witness against you—she will tell the story of her wrongs to a jury of men—not women, or the case would be different—and what defense have you to make."

"Do you think that the jury will believe her story?" he naively inquired.

"Believe it! of course they will," I replied. "Jurors always believe a woman in such cases. You see they are all conscious of their own frailties, and that makes them credulous in complaints of this kind."

"Do not be alarmed, Mr O——," he said, "I certainly am not guilty, and will never be punished for an offense I did not commit. I have no testimony; do the best you can for me under the circumstances and I will be satisfied with the result whatever it may be."

By the time the court convened, the circumstances of the case were the subject of general conversation in the town and surrounding country. The prominence of the parties and the morbid taste of society for the vile and vicious, had made it a common topic of discussion among all classes. Many who be-

lieved the charge to be true, wondered why the brother of the Siren did not return and take the law in his own hand, and kill the offender without waiting for the slow process of the courts to redress his sister's wrongs. He had not been seen since the night of the attempted burglary of the bank; but rumor said that he would return in time to testify at the trial. The jury was impanelled, the plea of not guilty recorded, and the trial proceeded.

The district attorney made a very effective opening. He spoke of the betrayed affections of a young, beautiful and innocent girl, who loved to idolatry, and sacrificed herself at the shrine of her idol. He spoke of the sorrow of her heart-broken, invalid father, whom disease had prevented from avenging with his own hands the wrong done to his motherless child, and even from attending her at court where she had to come alone to ask for justice against the villain who had accomplished her ruin. He stated that when appealed to by the girl, the defendant had heartlessly refused to perform his promise of marriage, and thereby do what honor demanded of him in repairing the wrong he had wickedly done to one who loved and had trusted him. It was one of those effective speeches so often heard in our courts in such cases, and which are calculated to prejudice the minds of the jury and the court against the prisoner at the opening of the trial, and prepare them to listen with sympathy to the testimony of a beautiful woman as she relates the story of her wrongs, with all the eloquence of tears to a jury of men.

All this time the defendant sat by my side as cool and calm as a morning in May. Now and then he would nonchalantly stroke his silken mustache, and then vary his impertinent performance by paring and cleaning the nails of his delicate fingers. I was provoked at the fellow. The jury looked at him with a dangerous expression on their sunburned features, while the court glanced at him over the judicial spectacles, with look ominous of the coming verdict and sentence. Having concluded his opening the district attorney proceeded to call a number of witnesses, who proved the attention paid by the defendant to the complainant, his frequent visits at the hacienda, apparently as her lover. Having done this he called

Miss Estella B——. There was a buzz of expectancy when the name was called, and all eyes were turned to the door of the witness room, which opened, and the Siren, closely veiled, stepped to the witness box. She was dressed in dark silk goods, and when requested by the attorney, threw back her veil, exposing a face white as the pallor of death, yet as beautiful as the sculptured marble of Polydorus.

She related her story with quivering lips, and eyes dewy with tears, in such a manner that every word bore the impress of truth, while every tone of her voice carried conviction to willing ears.

She clearly stated the promise of marriage made to her by the defendant, and when in whispered words she related her love, her trust, and her fall, it was with difficulty that the excited crowd were prevented from taking the "young villain" at my side from the very presence of the court and administering the rough justice incident to the day and place. "Marry the girl, or die!" shouted a number of voices from among the excited audience as they rose to a man and pushed towards the bar. In vain the tip-staves shouted "order! order!" at the command of the court, and in vain at this moment would have been the protection of the law and its officers, but for the sudden appearance of old Sam Biglow, who, dashing the angry crowd right and left until he reached the bar, sprang over the railing to the side of the prisoner, where he stood glaring defiantly at the excited people. "Stand back, ye devils!" he shouted, as he brandished a revolver of formidable size in one hand, and a large, wicked-looking bowie knife in the other.

"Stand back, I say! The man that teches the boy dies. He shall have a fair trial in spite of all the infernal mobs and lying huzzies on the coast. If he's guilty the law is strong enough to punish a baby like he is; an' ye shan't tech him. Shame on ye, men! do ye furgit that he saved yer dust in the bank from the buglers? I don't b'lieve he's guilty, an' ye can't mob him till arter old Sam leaves California fur good! not by a d——n sight!"

By this time the sheriff and tip-staves succeeded in quieting the excited people. The judge ordered the officers to clear the court room, and to arrest and bring any man before the court

who resisted them. Quiet was again restored. During the excitement I looked at my client. He stood with one hand in his hip or pistol pocket. Not a sign of fear was on his face. His eyes glistened with what seemed to be an emotion of well concealed mirth, and as I looked at him, I thought he was the coolest and most hardened young villain I had ever seen in a criminal court.

My cross examination of the witness was very short, for even at that early day I had learned a fact since confirmed by experience, that in the trial of criminal causes, there is as much legal skill required in knowing when not to cross examine a witness, as there is in knowing how to cross examine one properly.

I knew the Siren well, and I knew her ability to cause her tears to ebb and flow at will. I knew the effect produced on the average juror by the tears of a pretty woman when on the witness stand, and I asked her but a few questions. As the case stood there was no defence I could make. At that time the law did not allow a defendant to testify in his own behalf and as my client had subpœnaed no witnesses, I was unable to attack the reputation of the complainant successfully. The case was submitted to the jury without argument under the charge of the court, which was very much against the prisoner, as I expected it would be.

The judge spoke of the stoicism of the defendant, and of his apparent hardened insensibility to the great wrong he had perpetrated if the complainant's testimony was true. That he even smiled when the witness, in the magnitude of her grief and the anguish of her woe, had narrated the story of her ruin and his perfidy. He said that in all his experience on the bench he had never seen an instance of such apparent moral callousness and indifference to crime and its consequences; that it indicated a heart superlatively wicked and cruel; remarkably so in one so young and prepossessing in appearance. Here I looked at my client, and the young scamp was actually smiling in the very face of the court.

The jury retired and in a few moments returned with a verdict of guilty. Again I looked at my client as the clerk read

the verdict, and I thought the incorrigible rascal could hardly repress his mirth at the announcement of his guilt.

"Prisoner at the bar!" said the judge, sternly, "stand up! Have you anything to say why the well merited sentence of the law should not be pronounced upon you?"

The prisoner calmly arose, and in a voice without a tremor, asked to have the sentence suspended until the next day, when he desired his counsel to make a motion for a new trial.

After some hesitation the court granted the request stating to the defendant that he was under heavy bail for his appearance during the term, and that he must be in attendance the next morning without fail.

The defendant bowed a smiling acquiescence to the judge and left the court room accompanied by old Sam Biglow.

When they reached the street old Sam remarked, "I'll go with ye to the bank, youngster, fur fear the byes may hurt ye. Ye may be guilty, my boy, an I raythor guess ye are, but ye'r the coolest cuss I ever seed, an I'll stan' by ye. What's yer bail? If it ain't too much for my pile, I'll pay it an help yer to git away soon as it gits dark. I han't no kith or kin now to leave my dust to when I'm dead, an I'll help ye to clear out if ye wanter, and I'll square the bail in the mornin'."

"No! no! my old friend," said the clerk, "you have been very kind to me now, and I will not let you lose your hard-earned wealth in my behalf. Have you no friends or relations in the States to leave your money to? You have over $25,000 in the bank now, and own an interest in a valuable mine besides."

"No, boy," said the old man sadly, "I have no kith or kin livin' that I know on. I had a wife and little baby girl once in the east. But I was a drunkard, spent all my property fur whiskey, an abused my wife till she went home to her folks to die. She took my little baby with her. Then I 'listed in the army, and came out here to fight Injuns, and when my time was sarved I came to the mines where I've worked ever since. I heered from home once: My wife and child was both dead, an old Sam is alone in the world; and, boy, I like yer pluck: ye may be guilty, but yer the coolest little cuss fur yer age I ever seed, and I like ye, and want to help ye out of this scrape, an

I'll take ye up to my cabin in the mountains, and d——d the man that will try to take ye there. I'll turn his toes up on the sod at the drop of a hat, d——d ef I don't."

"I thank you sincerely, my old friend, for your interest in me," replied the clerk with emotion. "Come to the court to-morrow morning and you will see that I will get a new trial. Here is the bank and I will leave you now, but be sure and come to the court in the morning. I want to see you and have you tell me all about your past life, and about your wife and baby."

Here old Sam turned back and went his way down the street. "What makes me love the little cuss so?" he queried of himself as he walked along. "He's the sandiest little runt on the coast, an if he gets out of this, I'll make him my heir, an leave him all my dust, an the mine too when I peg out."

That evening I was about closing my office, when my client of the morning walked in, and greeted me pleasantly. I had no patience with the fellow, and answered him somewhat surlily.

"Don't be cross, Mr. O——," he said, "here is a hundred dollar bill—your fee," he continued with a smile, "for your able defence of a hopeless cause. I am going to call on the judge this evening about my case, and wish you to go with me."

"Call on Judge A——?" I repeated, in astonishment, "and want me to go with you? Well I will do no such a thing. It would be impertinent in me and very improper in you, as well as useless. He will not grant you a new trial, and you may as well make up your mind to serve the extent of the time fixed by law, as the penalty for offences like yours."

"Offences like mine," he repeated laughingly, "and do you really think I am guilty?" he inquired.

"I most certainly do," I replied, "and what is more, I think you deserve all the punishment you will receive by the sentence of the court. His Honor is not very favorably impressed with your conduct during the trial, and you behaved so badly that had it not been for old Sam Biglow the people would have lynched you."

I did not go with him, and what occurred at his interview with the judge was related to me afterwards by His Honor himself.

The judge and his wife were seated by their evening table,

the judge occupied with his books, and Mrs. A. with one of those incomprehensible pieces of woman's work which, like the task of *Ixion*, seems never to be finished, but to revolve in an endless cycle of moving yarn and flying needles. There was a ring at the door bell, and presently the servant ushered into the sitting room the bank clerk of Monroe Bros. The judge and his wife were very much surprised at his visit, for the former had just related to his accomplished lady the incidents of the trial. They could not imagine what was the object of the visit, and did not ask him to be seated.

"I beg your pardon, judge," the young man remarked, "but I called to have an interview with Mrs. A—— in relation to my application for a new trial, and if the lady will be so kind as to grant me a private interview for a few moments, I will really be very much obliged to you both."

"A private interview with Mrs. A., you !—you !—incorrigible young scamp ; leave my house, sir, immediately, or I will have my servants throw you into the street."

"I beg pardon, judge," replied the smiling young man, "I will be guilty of no impropriety, but I have a secret to disclose more proper for your wife to hear than for yourself."

At the word "secret" woman's curiosity was aroused and Mrs. A——, a lady of great decision of character, informed her husband that she *would* hear the young man's secret and that *he* might retire to the parlor for a few moments where he would be in hearing if called for or needed to help keep the secret when it was unfolded. After some demurring on the part of the judge, and knowing as he did that generally the decisions of his good wife were not the subjects of appeal to any higher authority or even reviewable for error, he retired to the parlor congratulating himself that he had not before determined the length of the imprisonment that the law required him to impose on the young criminal, and which he now proposed should be to the full extent of the maximum fixed by the "statute in such cases made and provided." A few moments passed when the bell of his recall sounded in his ears. Returning hastily he met his wife at the door, who with a look of unbounded astonishment on her matronly features, said most emphatically, "judge, you're a fool ! and your courts are as blind as—moles. Young

man," she continued to the clerk, "you can go now, do not be uneasy; you shall have a new trial; tell your attorney Mr. O,——, to make an application for one in the morning on the grounds of after-discovered testimony—I know that much law at any rate—and tell him to call me for a witness and I will furnish the necessary evidence."

To say that the worthy judge was astonished at seeing his good wife assume the judicial ermine in this summary manner, is but a feeble way of expressing his emotions; however, when the door was closed on the retiring clerk and he had had a few moments' conversation with his energetic lady, his surprise was even greater than hers.

Early the next morning my client informed me of the result of the interview. He did not tell me the nature of the evidence which he would produce, yet prompted by curiosity more than by legal instincts, I prepared the motion.

At the appointed hour the court opened. The room was filled with curious spectators anxious to hear the sentence it was confidently expected the court would pronounce. By the side of his clerk sat Franklin Monroe, the junior banker. He looked troubled and anxious. It was known to all that he was much attached to the young man, and while the one whose fate apparently hung trembling in the judicial scales looked smilingly unconscious of his danger, his friend could not conceal his anxiety and perturbation of mind as he listened to the preliminary forms and business of the court, that preceded the time when motions were heard. When the proper time came I arose with hesitation and made an application for a new trial on the grounds already stated. To my utter astonishment the court immediately granted the motion and fixed the next term of court for its final hearing. There was a buzz of dissatisfaction in the room at the result, but the sheriff was there with an armed posse, and the threatened disorder was soon quieted. The banker renewed the bail for the appearance of his clerk and together they started to leave the room. At this moment the crowd in front of the gallery separated and I saw Theodore, the brother of the Siren, force his way to the railing that surrounded it, and level a revolver at the prisoner, no one near him attempting to stay his hand. Taking deliberate aim at the seducer of

his sister he fired. At the report of the pistol the clerk threw up his arms and uttering a piteous cry fell to the floor. In a moment all was excitement and confusion. "Served the d——d scoundrel right!" was heard from all parts of the room; and but for the posse of the sheriff, the wounded, bleeding body of my poor client would have been trampled beneath the feet of the angry mob.

"Stand back!" shouted the banker as with revolver in his hand he stood over the prostrate form of his clerk. "Stand back!! It's a cowardly murder! and I will shoot the first man that attempts to touch his body!"

"Stand back, ye infernal devils!" shouted old Sam Biglow, as he forced his way through the crowd and stood by the banker's side Flourishing his bowie knife over his head he yelled, "stand back! ye infernal cowards, ye have murdered an innocent boy, who has done ye no harm, and now, ye devilish *coyotes*, would ye tear his body to pieces? Come on, if ye like, but if ye do old Sam's knife will have a taste of yer cussed innards. Yer got ter kill me afore ye tech the boy!"

Surrounded by the sheriff's posse, the apparently lifeless body was carried by the court constables into an adjoining room and laid upon a table. A surgeon was immediately called. The banker held the head of his apparently dying clerk on his arm, and tearing open the vest that covered the wound he thrust his hand into the insensible bosom and placed it over the faintly beating heart; when suddenly withdrawing it covered with blood, he exclaimed, oh my God!! and tearing open the linen underclothing of the senseless body revealed to the astonished gaze of those who stood near a woman's bosom as beautiful as ever was modeled in Grecian marble by a sculptor's chisel. Above the left breast was a small dark hole made by the assassin's bullet, from which the blood of the murdered girl was slowly oozing away. A moment only we looked, when covering the unconscious form with his handkerchief, the banker said with a forced and studied calmness, "gentlemen, please leave the room. Some of you call your wives to assist the surgeon. And tell the infernal mob outside that they have murdered an innocent woman." Then removing with some difficulty the false mous-

tache from the beautiful lip, he bathed the pallid face of the apparently dying girl with water.

In a moment the room was cleared of all save the banker and surgeon; a few moments after the wife of the judge knocked at the closed door and was admitted. At first the mob would not believe the incredible tale I told them from the court-house steps. They thought it a ruse to assist the prisoner to escape, if he was not killed. A few moments after a window opened and the wife of the judge stood at the casement. There was a temporary hush in the crowd when she said, "Men, one of your number has murdered an innocent young girl who never harmed any one, but whose courage and fidelity once saved your gold in the bank from the burglars. Go seek the murderer and bring him to justice!"

For a few moments the mob was silent, then expressions of astonishment at the denouement went from lip to lip, "a girl! a girl!" passed like a whispered echo through the crowd.

"Men!" said a bronzed and rugged miner as he stepped upon a horse-block, "Men! the Siren swore to a lie in court, and her brother has murdered a woman! That woman once saved our gold in the bank. She killed the lover of the Siren and the confederate of her brother, who was the burglar that was wounded and escaped on the night of the attempt to rob the bank. I heard the last shot fired from the bank, and immediately after a man ran past me. I thought then that the man was Thoodore B——, and now I am satisfied that it was. Yes, men, his wound was slight, he staunched the blood, went to the ball to prevent suspicion from attaching to him, left the ball room immediately with his sister, and thinking that his wound might lead to his detection he started for his ranch in New Mexico before daylight. The shameless sister accused the bank clerk of being the father of her child. To revenge her lover's death, and to give her brother an excuse to kill him she committed a perjury, and her brother for revenge on the one who wounded him and prevented the robbery of the bank, has cowardly murdered a woman! What shall be done with him?"

"Hang him! Hang him!!" shouted a hundred voices in the mob, and in a moment they dispersed in pursuit of their victim,

who, on learning that the clerk was a woman, had hastily mounted his horse and fled

The clerk was taken to the house of Judge A——. The surgeon pronounced the wound dangerous although not necessarily fatal. For days and weeks her life hung trembling in the balance, but at last she slowly recovered. When I saw my client again it was with difficulty that I recognized in the beautiful girl that sat by the young banker's side in his carriage, as they drove along their old favorite walk by the sea, the imperturbable young scamp that I had defended in court three months before; and when a few weeks after I attended the wedding of Franklin Monroe and Miss Eva Biglow I could see nothing in the charming young bride that reminded me of the hard-hearted villain who used to stroke his moustache so affectionately, and smoke his cigar with such apparent relish, while I deplored his innate wickedness, and the indifference with which he listened to the story of the wrongs he had perpetrated in the ruin of the Siren.

"Eva Biglow?" I ejaculated inquiringly, "was she any relation to old Sam?"

"Only his daughter," replied the judge. "She was the child old Sam thought had died with her mother years before. Her mother, although poor, had been able to give her daughter a good education in one of the New England high schools. When Eva was seventeen years of age the 'California fever' broke out in the States. Gold had been discovered and thousands of emigrants rushed across the plains to the Eldorado of the West. The young girl's uncle was among the number, and Eva accompanied him. Her mother was very loth to permit her to go, but the alternative was a life in the factories of New England, and she consented. On the plains her uncle was killed by the Indians and she barely escaped captivity. When they started across the plains, at the suggestion of her uncle, she exchanged female apparel for boots and breeches, as the most fitting dress for the long journey, and one less likely to attract the attention of the many lawless bands of emigrants that were then crossing the plains. To add to her disguise she adopted a false mustache, and learned to smoke. When her uncle was killed she joined a company of emigrants from the East and reached California

without detection. Upon seeing the names of the Monroe brothers, she adopted the name of Monroe Franklin in hopes that it would attract their attention, and appeared in their office as we have narrated. Three years after, her mother died; but the last days of her life were cheered with the knowledge that her daughter had secured a position suited to a lady and was earning a good salary, a large portion of which she sent to her for her support."

"What became of the Siren and her brother?" I asked with interest.

"I'll tell you the rest of the story some other time; it is late now; I'll tell you how the excited mob chased the brother and sister out of California, and how it happened that old Sam discovered that he was, as he would often say to his cronies, "the father of the sandy-est little cuss on the Pacific slope." The old man's mine proved a bonanza, and he became immensely wealthy. The last time I saw him he told me the story of his early life, and the suffering and shame that he brought upon his wife and child by his drunkenness and debauchery. He was never tired of speaking in praise of his daughter. He used to say that 'she had all her mother's vartues, and all her father's grit, and when she was shook up by sarcumstances she could pan out more real genuine goodness than any other piece of calico in California.' She took care of her mother, 'who was an angel,' the old man would say while tears ran down his furrowed cheeks, 'while I, miserable cuss that I were, was a drunken galute in the mines. Yes, I traded off my wife and baby and a comfortable home for whiskey, but I've got my baby back again, and, God helping me, I'll never take another drink.'"

CHAPTER XX.

A PECULATING GUARDIAN. INCONGRUITY OF THE LAW.

"Your cold hypocrisy's a stale device,
A worn-out trick; wouldst thou be thought in earnest,
Clothe thy feigned zeal in rage, in fire, in fury.
—*Addison.*

"Ah that deceit should steal such gentle shapes
And with virtuous visor hide deep vice!"
—*Shakspeare.*

A FEW weeks ago I was employed to assist a client in a settlement in the orphans' court. Some ten years before he had been appointed the guardian of two boys, aged respectively ten and twelve years. At the time of his appointment, in accordance with our act of assembly, he filed with the clerk of the orphans' court an inventory of the personal assets of his wards: and now, when the minors had arrived at the age of twenty-one years the guardian was called upon to render an account of his stewardship—that is he was compelled to account for everything that came into his possession at the time of his appointment.

An auditor was appointed to examine his books, and after a most patient investigation, everything seemed to have been accounted for except an "old sled," valued by the appraiser at $3.50. This the worthy guardian could not remember. He said he had a faint recollection that such a relic of past ages was left with him; that he could not sell it, and that it had been broken up for fire-wood. But this statement did not satisfy the lynx-eyed vigilance of the law and the court, whose duty it is to look after the welfare of the orphans of the country. Oh no! that portion of the rising generation who are left without a father's care are the objects of the special care of the court. So closely does the law watch over their interests and

property that no peculating guardian is to be permitted to rob the fatherless of a valuable chattel like the one in controversy. In vain my client explained—the law was inexorable, and the appraised value of the sled, with the accumulated interest thereon was charged to him, and he had to pay it to the last penny.

This incident set me to thinking. I remembered that England's greatest expounder of the law, Sir Edward Coke, had said that "reason is the life of the law; nay, the common law itself is nothing else but reason." And in addition to this, when I thought how careful the law was of the welfare of the little children that a dead father and mother had left to its guardianship—with what sternness and majesty it asserted its power, and compelled a wicked guardian to account for the sacred trust imposed upon him, I never felt so proud of anything in my life as I did to think I was a lawyer. And when I remembered that another of England's greatest men and most pious clergymen had said that "the law was that science whose voice is the harmony of the world and whose seat is the bosom of God; the greatest are not above or beyond its power or its process, and the humblest are not beneath its protecting arm—" when I thought of all this I wanted to go out where no one could see me and smile at my emotion, and hug myself with joy, that I was a votary of so noble a science—and a lawyer.

But I did not go. I had not time just then, and concluded that I would restrain my feelings.

After the auditor's report had been filed, the wards, now young men, came into the court to receive and receipt for the balance in the hands of their guardian. As they came forward I looked at them and all my emotion vanished. Their bloated faces and blood-shot eyes told the old, old story! Drunkards almost before they were men. As with shaking hands they signed the papers presented them, I thought that if the "perfection of reason" would only be as careful of the morals of its wards as it was of their property, it would be much better for them and for society. It occurred to me that perhaps those young men might have endured the loss of the valuable chattel in controversy, and yet lived to become sober, industrious and useful men, had the law guarded their morals as vigilantly as

it had their property. And then I wondered why it was that that "science whose seat is the bosom of God" had permitted temptations to the vice of drunkenness to be placed all along their pathway in life, and why it was, in a "scientific" point of view, that property was of so much more consequence than health and morality.

The care and culture of the rising generation is the especial object of our laws. It is for this that our system of free schools is established and protected with so many legislative safe-guards, for well do our law-makers know that "the boy is the parent of the man," that the moral influences thrown around childhood mould and form the character and habits of mature years. The Sunday schools and the district schools are but nurseries where the tender plants are reared, until they are fit to be transplanted into the various business plantations of after life. Our system of free schools is the foundation on which rests the future prosperity of our nation, and therefore it is eminently proper that it should be protected by law and supported by taxation. In the model city of Chicago there are sixty-seven public school buildings, and about three hundred churches, and who can estimate the good the future of this people will derive from these glorious institutions of education and Christian enlightenment.

Chicago has a population of 503,304—that is one school-house to every 7,512 of her population, and one church building to every 1,678 citizens of that church-going community. What wonder is it then that this beautiful city should be famed for the intelligence and rigid morality of those who reside within her limits as well as for the reverence her people manifest for the marital relations of life. But this is not all her glory. As the Queen of Sheba remarked of the glories of Solomon—"even the half has not been told."

Chicago has also 4,000 licensed "whiskey saloons," "beer *morgues*" and "gin shops" where liquid crime and nastiness are vended to the thirsty that throng her streets and infest her alleys. But of her population, as a general thing, only the male portion patronize these places of resort, while the schools and churches are filled with both sexes. Of her population, then, it is probable that about 251,652 males supply the drinking saloons with their customers; that is, one saloon to every 62

males, old and young, boys and men. Averaged in feet and furlongs, about ten miles of the licensed curse is stretched along her streets, through which her citizens must run a gauntlet every day as they pass from their homes to their places of business. 4,000 drinking resorts among a male population of 251,652! Let us pause a moment in admiration of this stupendous fact and make a calculation.

According to the saloon-keepers' attorney the receipts of the saloons in Chicago were from $25 to $60 per day. At the lowest figure the sum of $100,000 is daily passed over the bars of the 4,000 saloons, while at the highest figure the amount is $240,000 per day, or $87,600,000 per year; and this vast sum is annually paid for intoxicating liquor, principally by men who earn their bread by the sweat of their brows, and whose families sorely need for their support the money thus worse than squandered.

But there is a credit as well as a debit side to the balance sheet of this great city. Let us see. The amount paid into the public treasury for the glorious franchise owned by the saloon-keepers is $50 per license, amounting to $200,000. That is, for the sum of $200,000 paid into the treasury, the city grants four thousand men the right to swindle the public annually out of the sum of $87,600,000 by the sale of that which is ruinous to health, destructive to morality, and counteracts to a very great extent the good influences of the churches and schools. Verily, for a model commercial city, this is a very poor showing, and her accounts ought not to pass through the great clearing house of public opinion unquestioned.

But this is not all. Add to the sum expended at the saloons the value of the grain destroyed in the manufacture of the poisons vended by licensed privileges, and which, if made into bread, would feed all the poor of the city, and it would swell the amount annually squandered into a vast sum, which, if expended for good, would build a school-house in every district in the State of Illinois, provide it with a library and school apparatus, and pay well-qualified teachers for instructing the rising generation, making them fit legatees of the glorious inheritance that will eventually fall to them. But the balance sheet is not yet complete. Add to the amount expended for intoxicat-

ing liquors and the destruction of nutritious elements that go into their corruption, the time wasted in drunkenness and debauchery, and the expenses of the criminal courts organized to inflict punishment for crimes committed through their influence, and this enormous sum would erect a church in every valley in the State, would place a Bible in every hand, and would pay the ministers of God a salary nearly equal to that now paid to a first-class cantatrice, an accomplished acrobat or an expert base-ball player. What a glorious vision of possible prosperity does probable prohibition thus open to the poorly paid clergymen of this Christian and enlightened country.

We have so far looked at this question from a financial standpoint alone; its moral phases have been so often discussed that it seems as if nothing more could be said that would attract the attention of the reader. The ghastly record of crime caused by the influence of 4,000 saloons, is as familiar to the public as are the common events of every-day life. The public prints are stained on every page with the accounts of murders perpetrated through the madness there engendered, and destitution and misery increase in the country as these saloons increase in numbers. The brothels and gambling hells are their legitimate offspring, while pestilence and death spread from their polluted precincts as contagion from infected centers. Their existence even, is a violation of every moral law, and their license a libel upon the civilization of the age.

The history of Chicago is but that of hundreds of other cities in our land, that outnumber her in saloons and outvie her in the generosity with which they sell franchises to sin. The future historian will write of these facts as among the marvels of the nineteenth century, the absurd and striking incongruities in the laws and the tolerance of evil by a Christian people.

The Church Temperance Society of the City of New York has published some startling statistics in relation to the monstrous evil of drinking saloons in that city. Mr. Graham has made a thorough investigation of the number of "sample rooms," saloons and rum-holes in the great emporium of this continent, and by maps of the city with the localities of these centers of pollution marked thereon, accompanied by statistics,

has made the extent of the liquor traffic visible to the eyes of the most unobservant.

The substance of Mr. Graham's report is, that there are 10,075 rum shops in the city of New York, one for every 125 inhabitants, one for every 25 families; while there are only 1,100 bakers, 2,000 butchers, 4,000 grocers, or 7,326 food shops. That is, that there are 2,749 more rum shops than food shops. This fact must be sufficiently startling to arrest the attention of every reader. There is no city on this continent that has done more to spread the enlightening effects of the Christian religion over the world than has the city of New York. Her public schools are model institutions of learning; the pulpits of her innumerable churches are filled with the ablest divines and most eloquent "Christian chancellors;" her missionary societies are numerous and active in scattering the good seed of moral reformation among the savage and semi-civilized nations of distant lands; she has sent her votaries of religion and teachers of morality even among the Mohamedans of Asia, a sect of religious barbarians that outnumber the followers of the Cross, yet whose religion will not tolerate even the wine-cup, and whose laws for the government of the people prohibit the use of intoxicating liquors under the severest penalties. Yes, New York City, through her missionaries, is now trying to convert a religious sect that numbers 160,000,000 of followers, who are prohibitionists in the strictest sense of the term, to a religious faith that tolerates the Crosbyan wine-glass and beer-mug, and that permits the number of drinking hells established among her people to exceed by nearly one-third the number of her food shops. Verily, there is an incongruity in our laws and inconsistency in our civilization. Like the historic and inimitable Mrs. Jellyby, we are expending too much sympathy on the natives of Africa and too little on the natives at home. We are wasting our benevolence in our efforts to clothe the inhabitants of Asia in the habiliments of Christian enlightenment while the moral garments of our own household are hanging in rags and tatters on the unclean bodies of our social, political and religious institutions. We are endeavoring to establish "coffee plantations" on the "left bank of the Niger," while by law we are encouraging the manufacture of whiskey at home. Like unclean beasts and

birds we scent the carrion of ignorant immorality from afar, while the putrescence of educated nastiness in our immediate neighborhood offends not our nostrils.

"O wad some power the giftie gie us,
To see oursels as others see us!
It wad frae monie a blunder free us,
And foolish notion."

CHAPTER XXI.

THE OLD SCHOOL-HOUSE—RECOLLECTIONS OF THE PAST.

"I've wandered to the village, Tom,
And stood beneath the tree,
Upon the school-house cricket-ground,
That sheltered you and me;
But none were there to greet me, Tom,
And few are left to know—
That played with us upon that green
Some forty years ago."

Old Song.

"Blood hath strange organs to discourse withal;
It is a clam'rous orator, and then
Ev'n Nature will exceed herself, to tell
A crime so thwarting nature."

—Somerset's Ludovic.

A FEW days ago my business called me to a distant part of our county. My journey led me past the home of my boyhood, and the old school-house where forty years ago I wielded a birchen scepter over a kingdom of unruly urchins, who, I believed, loved "the master" more than they feared him. A number of my scholars were older than their teacher, and these failed to be impressed with the dignity and responsibility of my position; but they were my friends and my reign was without revolt or rebellion. Tom M—— was the head of my school in scholarly attainments, and as his sister was the prettiest girl in the district, of course he was my bosom friend and companion. Poor Nellie died over thirty years ago, and yet, in recollection, her beautiful form and face mingle in many incidents of my early manhood with vivid distinctness. In memory I can see the sparkle of her bright eyes, and the color mount her cheeks, jeweled with dimples, when, on the opening of my school one morning, an interrogatory written on the blackboard by some juvenile hand propounded the following significant conundrum:



"There is murder in the cup."

"Why don't master skold Nellie M—— when she cuts up and whispers in school as he does the rest on us, and why ain't she 'fraid on him as the rest on us is?"

Which conundrum even Nellie and I could not answer satisfactorily, after many private consultations on the subject.

"Still o'er these scenes my memory wakes,
And fondly broods with miser's care:
Time but the impression deeper makes,
As streams their channels deeper wear."

As I rode along past the old, familiar scenes, I could not but observe the change in the homes of the people since the time of my boyhood, neither could I help observing the contrast that then existed and which was as apparent as the shadows and sunshine of a summer's day. If I came to a pleasant home, a cottage embowered among trees and shrubbery, surrounded by well-fenced and cultivated fields and fruitful orchards, I knew at once that the owner was a temperance man, and the comfort and luxury so manifest was the legitimate offspring of temperance and industry; and when I came, as I often did, to an unpainted, tumble-down tenement with a dilapidated roof and broken windows, surrounded by half-cultivated fields, with fence rows filled with weeds and briers, I recognized at once the result of those baneful laws that enrich the public treasury by impoverishing the people, and I knew at a glance that the licensed curse had set its seal of infamy on farm and buildings. Never did a loathsome plague leave its hideous mark more plainly impressed upon the human form than does the plague of licensed rum on the farms and homes of the people. It seems as if the life-supporting fruits and grains are poisoned by its exhalations, while rank and noisome weeds grow with unwonted vigor around the drunkard's home.

There is nothing living upon this earth that is touched by the finger of this licensed spectre of death but it withers and

and dies; not a home whose threshold it crosses where want and shame do not follow in its tread; not a burial place but is filled with its victims; and these effects are as plainly seen along the highways of this Christian country as are its churches and institutions of learning.

It was a beautiful day in June when I passed the old school-house, now falling into ruin, and as I paused before its open door my memory carried me back forty years, and I saw a group of merry, laughing boys and girls come pouring out upon the play-ground green. I heard their merry jest and song and I saw their forms and faces as plainly as I see the page on which I am now writing. Foremost in that happy throng I saw the friend of my boyhood, and I almost felt the cordial grasp of his hand as he welcomed me with his well-remembered smile and friendly greeting; and his sister, too—I saw the blush on her cheek and the glance of affection in her bright eyes, half-veiled, as of old, beneath the long lashes that drooped in maiden coyness, as she welcomed "the master" back to the old school-house and its familiar surroundings. I could not realize that I was an old man, and that all these were but the phantoms of memory; that Nellie had slept over thirty long years under the trees in the old churchyard on the hill, and that by her side were many of those who that morning greeted me through that mysterious agency—"the recollections of the past."

When Nellie died, Tom was left the only child of an aged father and mother, who were dotingly fond of him, not only because he was the youngest of their sons, but also because his brothers slept by the side of his sister, and the love that had once been divided by the parents among their little flock, was now concentrated on the one that alone remained to them.

The father had been an early settler of our county—one of those hardy pioneers who had battled with the wilderness and its dangers. By industry and economy he had acquired considerable property. Although a moral and temperate man in the general acceptation of that term, he was accustomed to take his "morning appetizer," and "evening soporific," as he was wont to call them when he invited "the master" to join him in the social glass, at those times when the system of

"boarding around" made me an inmate of his house and a welcome guest of its hospitality. Often when I saw the affectionate father fill the glass with his own hand and give it to his son, I trembled for the future of the boy. The kind old man used to laugh at my youthful scruples, and urge me to drink. Once when I refused he seemed almost offended, and remarked: "Why, my boy, *you act as if there was murder in the glass!*" But the approving glance of Nellie confirmed my temperance principles, and her parting kiss "in the hall" that evening was my abundant reward. But nonsense! I am an old lawyer and have no business to be sentimental. The practice of law is as devoid of sentiment as if the eminently practical "Gradgrind" had devised its statutes and codified its enactments. My reader, even if you have traveled nearly sixty years of life's weary thoroughfare, and have long since learned to look with the contempt of age on the weaknesses of youth, yet is there not in the hidden recesses of your memory some recollection of early loves and youthful follies that you would not obliterate if you could? If there are not, you are already overripe for the sickle, and have outlived your usefulness.

Long years after that evening I remembered with painful distinctness the father's remark, and I was glad that he too slept by Nellie's side, and was not present at the gathering of the harvest his hand had sown.

"*Why, my boy, you act as if there was murder in the glass!*" More than twenty-five years had elapsed since that sentence was uttered to me, and I stood at the bar of our court pleading for the life of a murderer. I did not ask for an acquittal. No! that would have been useless, for the evidence of guilt was most conclusive; but I did ask that the verdict might be "guilty of murder in the second degree," because the prisoner was so drunk at the time the crime was perpetrated that he was incapable of forming a "deliberate, premeditated design to kill." While I stood thus pleading only for his life, and that his punishment might be imprisonment instead of an ignominious death, with startling distinctness that sentence rang in my ear. It seemed as if it was almost prophetic in its import, and that the spirit of evil that lurked in the glass had, in mockery, prompted its utterance. Twenty years before the trial, the

father and mother of Tom had died—his sister had died a number of years before—and he was left the sole legatee of the property. Young and inexperienced, he was an easy victim to the licensed curse. Thrown every day within its influence, unfitted by early education to resist its temptation, assisted by the legalized emissaries of the law in his downward course, his property was squandered with a prodigal hand, and ten years after his father's death he left the home of his childhood to give it into the possession of a purchaser at a sheriff's sale. For a number of years I heard nothing of him, and as the days of my youth receded from me, the interest I once felt in my early companions faded from my mind. How few of the friendships of our boyhood remain to us in after life! How ephemeral are the attachments and associations even of manhood! Like the verdure of the seasons, they come and go and leave nought behind them but recollection's seared and withered leaves.

One morning I picked up a daily paper printed in a neighboring city, and glancing over its columns I was startled by the following head-line:

"A Drunken Man Murders his Wife and Lies down and Sleeps by her Dead Body."

I have a horror of sensational accounts of crimes and casualties, and for days after some terrible accident has happened, causing great destruction of life, or some horrible crime has been perpetrated, I dread to take up a newspaper for fear the sickening details will be before me; and I was about to lay the paper down without reading the account of the murder, when the name of the murderer attracted my attention, and I read as follows:

"A man by the name of Thomas M., was arrested this morning for the murder of his wife. The prisoner was brought before Justice S. for a hearing. He was a very dissipated looking man, and the testimony showed he was well known in our community as a common drunkard, and when under the influence of liquor was considered quarrelsome and dangerous. He lived with his wife in an unsavory locality in the lower part of

our city. This morning as officer B. was passing along his beat, he saw a crowd collected in front of a low tenement house, and was informed that one of its inmates had been murdered. Entering the house he saw the dead body of the wife of the prisoner lying in a bed from which it appeared as if the husband had just arisen. An examination of the body proved that the skull had been crushed by a violent blow inflicted with some blunt instrument. The prisoner, partially dressed, was seated in a chair by the bedside, holding the hand of the dead woman in his own. He seemed overcome with the horror of his situation, and stated that when he came home late in the night his wife was in bed crying, that he went to bed and told her to stop her crying, that he could not go to sleep; that she did not stop, and then he got up and struck her with his heavy boot, and then she stopped crying and he thought she had gone to sleep; that when he awoke in the morning he found she was dead, but that he did not intend to kill her. He was committed to jail for murder. The prisoner was seen late last night very much intoxicated in a saloon at the corner of S and Fourth streets. It is evident that the crime was the result of whiskey — the whiskey the product of the saloon — and the saloon the offspring of our license law. All hail to our civilization! Crime, whiskey and licensed saloons — *tria juncta in uno* — one and inseparable, now and forever!"

A few hours after reading the above the turnkey of the jail informed me that a prisoner wished to see me. In a cell of our prison I met my early friend and pupil after a separation of nearly twenty years. It was with difficulty that I recognized him in the mental and physical wreck before me: his features bloated and distorted by rum, his hands shaking with palsy, clothed in filthy rags, and over all the consciousness that he was a murderer covering him as a pall covers a decaying corpse in a morgue; but for his name in the newspaper article I would not have recognized him. It did not seem possible that he could ever have been the gay, thoughtless boy that once I loved so well; that this horrible wreck of manhood had once been the object of a sister's love, a father's pride, and a young man of intellect, education and promise. As I paused on the threshold of

his cell, not yet certain of his identity, the prisoner turned toward me and extending his hand uttered, in his old, familiar tones the single word—"master!"

"Tom," said I, with ill-concealed emotion, "is it you?" and I could say no more.

"Yes," he replied, and quoting from the "Veiled Prophet of Khorasson"—his favorite poem when we were young—he continued:

> "Here judge, if hell, with all its powers to damn,
> Can add one curse to the foul thing I am!"

Then covering his face with his hands he threw himself on the iron bedstead of his cell in a paroxysm of shame, grief and remorse.

The turnkey left me alone with the prisoner, and I shall never forget the tale he told me of his dissipation and crime.

He begged me to save him from the gallows. "Oh," said he, "I am not fit to die; and yet I do not deserve to live. But I did not intend to kill my wife. I was crazy from drink, and did not know what I was doing."

Oh! that oft-repeated prayer, and that familiar excuse for crime! How frequently have I heard it, and of how little avail is it in those tribunals where men are licensed to destroy and spare not, where such wrecks as was the man before me are brought in at every term of court to be sentenced for crimes committed under the influence of licensed rum.

Wishing to know whether the friends of the murdered woman would institute a vigorous prosecution against him, I asked: "Whom did you marry, Tom? Do your wife's relations live in the country?"

"Why," said he, "have you forgotten Mattie W.——? She went to school to you."

Then I recollected that I had heard of his marriage long years before to a girl whom I remembered as a little, fair-haired, blue-eyed sprite who was the pet of my school. She was a child then, and when the revolving wheel of boarding "around" brought me to her father's house, would sit in my lap of an evening, looking into my face with wonder-dilated eyes while I told her stories of mythology or related the veracious accounts

of the travels of "Gulliver" or "Sinbad the Sailor," and who used to reward me with her childish kiss and a promise to be my little wife "some day, when she got big enough, if I would always tell her such nice stories." Poor little Mattie! was that indeed her fate! A drunkard's wife, and murdered by a drunken husband! Verily is the veil that hides the future from our sight a kind dispensation of a merciful Providence!

"When my father died," continued Tom, "he left me a very large property, but among his legacies was one that was my ruin. The good old man did not think of what he was doing. You know he was always a temperate drinker and kept liquor in our house. When a friend called, to have omitted to set out the bottle and glass, he would have thought a want of hospitality From my infancy I had been accustomed to see my father drink and to offer the social glass to his friends. Repeatedly he has given it to me. He could control his appetite, I could not mine, and what was a harmless social glass to him was a moral and physical poison to me. My good old mother and my sister Nellie used to remonstrate with him, but he laughed at their fears. He little thought that his example would be the ruin of the son *he loved* so well, and that the cup he often filled for me would make me a murderer. Far better would it have been for me had he left me penniless than to have bequeathed to me wealth, accompanied by a depraved appetite; for my property was squandered because of my love for strong drink, and the appetite was increased by an abundant means of procuring its gratification. I am glad that my father is in his grave, that he may not see the ruin his teachings and example have brought on me and mine, and I am thankful that I have no children to inherit the legacy of a father's crime and shame."

"Master!" he continued in a voice broken by sobs of anguish, "you loved my sister Nellie once, and by your memory of her and her love for you, I beg of you to save her brother from the gallows."

I left him with an aching heart and an intensified hatred for the licensed curse and the laws that sustain it, and with a confirmed determination that as long as I lived I would do all I could with tongue and pen to persuade the people to banish the terrible evil of strong drink from the country by prohibitory

laws; and though my efforts may be feeble and of little avail, yet so long as I have strength to hold a pen and utter a word, I will continue to write and talk against our national infamy—"The laws that license the sale of intoxicating liquor."

A few weeks after my interview with the prisoner our court convened and the case of the Commonwealth vs. Thomas M. came on for trial. Most earnestly did I plead for the life of my early friend. I only asked for a verdict of "murder in the second degree," and at last the law grudgingly gave me that verdict. During the trial the skull of the murdered wife was laid upon the counsel table before the guilty husband. I looked at the prisoner as with horror he gazed upon the ghastly object, and then I looked at the court that was accessory to the crime, for the reason that the probable consequences of the license granted was the murder committed. There was guilt expressed on the face of the prisoner—none upon the brow of the court. The court was shielded from guilt behind the law, but the excuse of the prisoner, "I drank only what the law permitted me to drink," was of no avail, and the accessory—the law—sat in judgment at the trial of the principal. But for the accessory the crime would not have been committed, and the law is as infamous as is the murder it perpetrated through its licensed agents.

The prisoner was remanded to his cell to await his sentence. "Sentence day," came at last. The forenoon of the day was occupied by the court in granting tavern and saloon licenses; in sowing the seed for another harvest of crime and woe. In the afternoon the sheriff was ordered to bring the prisoners in for sentence. When he opened the door of the murderer's cell, he saw the body of the prisoner suspended from the grating of the prison window; life was extinct, although the body was yet warm. Poor Tom had escaped the vengeance of the laws of man, but not the justice of Heaven.

The body of the prisoner was laid by the side of father, mother, sister and brothers, in a rural cemetery on a hillside in sight of the old school-house; and on that bright June morning I could hardly restrain my emotions as I thought of the past, and

"Tears came in my eyes,
As I thought of those I loved so well,
Those early broken ties."

Recollection, revived by the familiar objects that surrounded me, repeated in my ear the sentence uttered by the father when I refused the cup he placed to the lips of his son, that cup which, although it may be approved by custom and fashion, and even stamped with the seal of the prerogative of a Christian commonwealth, yet contains among its ingredients not only shame and poverty, but infamy and suicide. The sequel of its influence in every country where it is licensed, shows not only this, but also that, verily,

"THERE IS MURDER IN THE GLASS."

CHAPTER XXII.

LOVE, INSANITY AND MURDER.

"The base, degenerate age requires
Severity and justice in its rigor;
This awes an impious, bold, offending world."
—*Addison.*

"*Isabella.*—Yet show some pity!
Angelo.—I show it most of all when I show justice;
For then I pity those I do not know,
Which a dismissed offence would after gall;
And do him right, that, answering one foul wrong,
Lives not to act another."
—*Shakespeare.*

"Justice must punish a rebellious deed;
Yet punish so, as pity shall exceed."
—*Dryden.*

On the 25th day of February, 1879, the quaint, old-fashioned court-house in a little rural village in the county of McKean in western Pennsylvania, was filled with anxious spectators. The judges had taken their seats; the usual formalities that attend the opening of the court of "*Oyer and Terminer*" had ended, when the district attorney informed the court that the commonwealth was ready to take up the case against Andrew Tracy, who was indicted for murder.

The sheriff was directed to bring the prisoner into court, and when the officer of the law retired to obey the order of the judge, the audience sat in dread expectancy, awaiting the coming of the prisoner, who was soon to be put upon his trial for the commission of what was universally believed to be a most foul and wicked murder; a murder without a motive, and without a single feature of justification or palliation — a cold-blooded, deliberate, and premeditated murder — perpetrated on a young, beautiful, and accomplished girl, to whom he had been engaged to be married for several years, and whom he

loved better than all else on earth, even at the very moment he took her life.

An occurrence so terrible and unusual, a crime so cruel and motiveless, naturally excited the public mind of that quiet rural community to an unusual degree. The murderer and his victim were so well known, and their mutual attachment so well understood by all who knew them, that the act could not be explained by any of the motives or impulses that operate upon the human mind, and at once suggested the thought that the prisoner could not have been sane or of sound mind when the crime was perpetrated. And while, as a general rule, other evidence of insanity must be produced than the peculiar circumstances that surround and attend the commission of a crime, yet in many cases the crime itself, the person on whom it was perpetrated, and the manner in which it was accomplished, afford the very strongest evidence that an insane mind prompted the act and directed its execution. The laws that govern the emotions of men, their loves and hatreds, their likes and dislikes, are as certain in their operations as any other natural laws. The law that in spring-time germinates the seed and sends forth its green leaves to embrace the rays of the morning sun, is not more fixed and certain in its operations than is the law of maternal affection. The opening flower-bud that, blushing in the noon-day heat, is spreading its petals in the summer air, is responsive to a law no more arbitrary or immutable than is the law of sexual love. The natural feelings of the mother's heart do not prompt her to murder the little babe that is sleeping on her bosom; neither do those affections whose influence has always made man a slave to woman's wiles, prompt the lover to murder the object of his love.

When the time shall come that men "shall gather grapes from thorns and figs from thistles," then may we expect to find cruelty and crime the fruit of human affection, and murder the legitimate offspring of sexual love.

THE YOUTH AND MANHOOD OF THE PRISONER.

As reported by the New York *Herald*, Nov. 27, 1879.

The defendant was born in McKean county, Pennsylvania, in 1850, and passed his boyhood there until the age of twelve

years. Even thus early his peculiar reserved and thoughtful manner was observed and commented upon. He never joined in any of the village sports, and at the small school which he attended was known as the most laborious scholar. He left home at twelve and went to Alleghany Divinity School, a well-known Catholic institution of learning, where his eldest brother was acting as a professor. He also during his absence from home spent some time at school in Buffalo. Having abandoned the wish of his parents that he should enter the priesthood, he returned to Smethport, and after a brief visit to his home went to Conneautville, Crawford county, in 1869, and entered a law office. For two years he applied himself with great assiduity to his books, not cultivating any acquaintances, but apparently making few enemies. An affidavit, signed by four of the leading citizens of the village, sent to the Board of Pardons recently, cast some light on the young man during that time. "From our observation of his eccentricities and strangeness of manner," says the affidavit, "from 1869 to 1871, we were all firmly convinced that during the period of our acquaintance with him he was a person of unsound, unsettled and unbalanced mind — not a bad man, but one subject to mental aberration on any occasion of excitement. This was a matter of public notoriety in the town and could be evidenced by many instances within our own knowledge." He was "absent-minded" to a startling degree, and would suddenly stop in the street and stand for an hour at a time apparently in deep thought, although he was going upon business or to his meals. Mr. M., whom I saw at Harrisburg, in the State treasurer's office, declares that he knew Tracy very well and that he was always erratic, absent-minded and dreamy. He relates that on one occasion Tracy was induced to form one of a "base-ball nine," and that he had to be hunted up and brought to the bat each time his turn came. State senator Hall, in a letter dealing with this period of Tracy's life, says that the young man boarded in his family, and that he had abundant opportunity for observation. "He was," says senator Hall, "a great book-worm, but as regards all practical matters of this world as ignorant as a babe." He frequently stared vacantly at those to whom he was speaking, looking at some imaginary object through and beyond them. At

other times he wrote with his finger in the air. During his stay at Conneautville these and many other strange acts were observed. He remained in that village during the stay of his brother, a parish priest, but the latter being transferred to Crossingville, Andrew went to Greenville and connected himself with the office of A. D. Gillespie. While there he applied for admission to the bar of the county and passed his examination triumphantly. He took rank at once as one of the most intelligent young men in the village, but, although his queer fancies had grown upon him, he never obtruded his peculiarities upon his friends.

TRACY'S CHARACTER.

Mr. Gillespie, who is a burgess of the town of Greenville, writes a letter regarding this period of Tracy's life, in which he says: "As he (Tracy) was under my instruction, I had a good opportunity to become acquainted with his cast of mind. He behaved himself while with me as a peaceable man of good moral habits, yet there were eccentricities of mind which would puzzle an adept in psychological learning—strange hallucinations of a mind roaming in the fanciful." At Conneautville occurred the first startling exhibition of morbid impulse which finally developed into assassination.—Remember in all instances, that we are dealing with a man who was received in the best society, who was greatly respected, and whose classical and general education placed him on a level with the best people whom he met.—On the occasion referred to he was engaged in hearing a young lady recite French or Latin, my informant cannot be sure which, when, without a moment's warning, because the lady either failed to comprehend his explanation or to agree with him, he sprang upon her, seized her by the throat and threw her about with such violence that marks were left on her body for nearly two weeks. His conduct did not appear to be anger so much as an inexplicable impulse which he could not resist. He was heartily sorry for his act a few moments later, and declared that he could not himself explain or understand his conduct. His action and description of his feelings would recall to any one familiar with the New York reports that re-

markable case of the man who was "impelled" to take off the shoes of every young lady whom he encountered on Fifth or Madison avenues. It will be remembered what difficulty the courts had in dealing with a case in which there was neither desire for robbery nor intent to assault.

With this indelible stamp upon his character young Tracy went to Mercer and entered the law office of Griffith & Mason. Mr. Mason says: "I have known him for about five years, part of which time he was in my employ, and had it not been for his oddities he would in all probability have been with me yet. But he was of no use in business. He was an excellent scholar, well read in the law, but destitute of the first business qualification. He originated nothing, could not prepare the simplest paper in legal form without a form book or some one to dictate to him. Imitation was the extent of his genius." Mr. E. G. Eberman, the district attorney of Mercer county, wrote to the Board of Pardons declaring that he had always considered Tracy to be of unsound mind, unsafe and unstable.

LAW AND SPELLING BEES.

From Mercer Tracy went to Sharon, in the same county, and for the first time opened an office for himself. While there, although not pressed for money, he on several occasions traded away his most valuable law books and did other acts of an equally curious nature. This was about 1874, and the spelling school mania having spread to Sharon, Tracy came at once to the front as the champion speller. His fame in this respect spread into the adjoining counties. Mr. Lucius Rogers, Deputy Secretary of Internal Affairs, relates that he was present at a spelling bee in Smethport during a visit of Tracy, at which Tracy was defeated by a technicality. The authority which governed the decision was Worcester's Dictionary, but Tracy, who believed only in Webster, refused to admit that the etymology of the more recent lexicographer was correct. He stated to Mr. Rogers that there was not a single word in Webster's Unabridged Dictionary that he could not spell and define. The young lawyer, who had never had a case in court, soon removed to the place of his birth and to the scene of his crime.

Hiring a room over a milliner's shop Young Tracy fitted it up with a table, a few chairs and what books remained to him after leaving Sharon. The office was like the man. It was phenomenal. Bare of almost every comfort, a picture of disorder and an example of carelessness and shiftlessness, it contained one feature which marked its occupant as an eccentric man. On the table where ought to have been the papers and mechanical paraphernalia of the profession which Tracy pretended to follow, stood a picture in India ink of a beautiful face. It was placed upright, resting on a small easel, and on the floor before it was a small bench. The whole, in a rude way, formed a shrine, before which, every morning, the young monomaniac knelt and affected to pray. Before beginning the idleness of the day the worshipper of this strange divinity always invoked the image's blessing. It was a saint new to the calendar, but not unknown to all the dwellers in and about Smithport. It was the face of "the prettiest woman in the country," by common consent, certainly the belle of the village. It was the portrait of Mary Reilly.

I have taken much trouble to ascertain the history of this portrait, and the brother of the condemned man supplies it: Four years ago the reverend Father visited Cincinnati and Andrew accompanied him. While passing along a street of that city they saw a man exhibiting some kind of a machine for enlarging photographs. Andrew, taking out a note book and pencil, drew the form of the ingenious device, and on his return home made an excellent fac-simile of the original. His first and only trial of the machine was the production of this picture, which even yet again will enter into this narrative in a most romantic manner. He spent several weeks over the portrait, finishing it in India ink in a manner that totally surprised all his friends, who had never suspected that the romantic young lawyer possessed the slightest capabilities in any branch of art. Other people, seeing this picture, brought photographs of their friends to have them enlarged, offering to pay a high price, but Tracy, prolific as he was in promises, never even began a second portrait. He grew even more pensive and sullen, but the people rather liked him despite his moroseness. The notoriety given to the picture by the circumstances narrated re-

sulted in more intimately associating the names of the two cousins, Andrew Tracy and Mary Reilly. Mary was a tall, stately brunette, with black eyes, black hair and handsome features and figure. The two cousins had been raised together and had formed a strong attachment for each other as children. During Andrew's absence at school there is no proof that the two young people indulged in an extensive correspondence. Indeed, the evidence seems to indicate that the young man's weakened and restless mind seized upon the memory of the old affection and vitalized it into the most passionate adoration. They appeared to think much of each other when together, and a letter in existence, written by the girl a short time before her death, is signed "Your affianced wife." The people of the village, who knew not of the rigorous rules of the Catholic Church, forbidding the marriage of cousins, took it for granted that the couple would be married in due time.

Suddenly it was noticed that Andrew Tracy had taken to drinking. Either he drank deeply, or his nervous organization showed the effects of even a small quantity of liquor, for even his friends admit that he went home nearly every evening in an intoxicated condition. It would be interesting to know the quality of liquor he drank, because a very little of some kinds made among the hills of Western Pennsylvania would destroy the most evenly balanced minds in the State. The facts remain, however, that he became exceedingly intemperate. He still affected to practice law, but had no cases. People had not been willing to entrust their cases to him before this new distemper, and now they felt even less inclined to do so. An interesting incident of this time is supplied in the affidavit of Thomas O'Brien. Mr. O'Brien says: "I am publisher of the *Lake Shore Visitor* and the Erie *Evening Herald*. A short time before the shooting of Mary Reilly, probably about the 1st of August, 1878, I received an article for publication in the *Visitor* written by Andrew Tracy, of Smethport, McKean county, Pa. The communication had reference to the alleged prosecution of certain abandoned women in Bradford. He claimed that he had himself broken open the jail and liberated them, and he solicited the influence of the *Visitor* in upholding him in the course he had pursued.

He further insisted that these women were the victims of relentless and systematic persecution; that there was no cause for their imprisonment, and that they were but the victims of the tyrannical usages of society. This article, besides being full of the most absurd and visionary statements, was so incoherent and irrelevant that even had the subject matter been fit for publication it could not have been admitted to print."

But the statement made by Tracy in the letter to the *Evening Herald*, was untrue in every particular. He did not break open the jail, and was thirty miles from Bradford at the time it occurred. The occurrence was the subject of judicial investigation. The act was done by another person, and Tracy was in no way concerned in it, and had no knowledge of it until it was published in the papers.

Society still received young Tracy, however, for what he had been, and partly perhaps because he was one of the best performers on the piano in all the country round. Thus time and events drifted on until September 18, 1878.

This day had been a busy one in the village. During the afternoon delegates had been assembling from all parts of the county for the holding of a Republican convention. The town was full. The court-house bell had rung "at early candlelight," and the convention was in full blast when a man entered and announced that Andrew Reilly's daughter, Mary, had been shot in the street by a person unknown. Nearly every man in the audience knew the girl. Not another speech was made, not another name was placed in nomination. The convention adjourned at once. On the street business was suspended and the commotion was considerable. Those who knew the girl intimately hastened to her father's house to find it deserted, and to learn that the family had been summoned to Mr. Mullen's. Here on a sofa the dead maiden was found, with her relatives kneeling by the body's side. Suspicion, strangely enough, did not attach to Andrew Tracy. Miss Belle Mullen, who was in the company of Miss Reilly when she was shot, simply stated that while the two ladies were returning from a store to her home rapid footsteps were heard behind them; a person crowding between them had pressed a revolver to Mary's temple and had fired. Then the assassin had walked rapidly away.

Andrew was seen by several persons who were ignorant of the crime to enter his study, and it is asserted that he passed nearly an hour kneeling before the portrait of the girl whose life he had taken. After that he fled to the woods."

The foregoing history of the life of Andrew Tracy is correct in every material statement. A terrible crime had been committed, and the defendant was about to be put upon trial for his life. I assisted in the defense; and although my colleagues were able and experienced attorneys, I looked upon his successful defense as hopeless. I believed that he was, and had been for years, a monomaniac, moved and influenced in his actions by a diseased intellect; and that under the influence of liquor, and his soul-absorbing passion for the girl he killed, he did not possess a mind capable of forming such a "deliberate and premeditated design" to perpetrate the crime as would be necessary to constitute the offence of "murder in the first degree." I well knew the popular prejudice against the plea of insanity, and that the average juror did not understand that there might exist in the human mind a diseased condition that would escape the observation of the ordinary observer, yet that would render the person so affected irresponsible for many acts that his diseased mind might prompt him to commit; and I well knew that the public feeling was against the prisoner; that popular clamor demanded his life; and that by those who did not know of his mental disease he was regarded as a monster, who by the perpetration of terrible crime had forfeited his right to live.

ARRAIGNMENT OF THE PRISONER.

The prisoner was conducted into court by the sheriff. He was a tall, slender young man, twenty-eight years old, with a high and intellectual forehead, a dull and inexpressive eye, a saturnine expression, and cadaveric color of countenance, that to the experienced eye of a medical practitioner at once told a tale of wasted and abused vital energies.

I saw the prisoner for the first time when he entered the court-room and was at once convinced that he was a mental wreck, and I suspected the cause. The false and mistaken del-

icacy of the age prevents further comments, and yet it is a fact well known to the medical profession that there is one cause more than all others—save perhaps the use of alcoholic drink—that is ruining the young, wrecking human intellect, and entailing hereditary disease and constitutional weakness of both mind and body on the human race. The evidence of the terrible "*vice*" was as plainly impressed upon the face of the prisoner as is the recent footstep on the new-fallen snow. The appearance of the defendant alone suggested this fact to me, and on inquiry it was verified by the evidence of those who knew him best, and that evidence was produced in court during the trial of the cause.

"Andrew Tracy, stand up and plead to the indictment that the grand jury has preferred against you," said the district attorney.

The prisoner arose, calm and unexcited, and listened to the indictment that charged him with the wilful and premeditated murder of Mary Reilly. As the name of the girl fell from the lips of the commonwealth's attorney, the prisoner's eyelids drooped a little, and a slight though perceptible tremor moved his form, but only this, and he stood as immovable as a statue upon its pedestal. When the reading of the indictment had ended, and he was asked by the attorney the usual question: "What say you, are you guilty or not guilty?" in a voice without a tremor, the prisoner answered: "Not guilty;" then taking his seat, during the whole trial he sat with his eyes fixed on vacancy, and his body as immovable as if he had been carved in stone; not even when the surgeon who conducted the "*post-mortem*" examination described the manner in which the beautiful form of the dead girl had been mutilated by the saw and scalpel, did he evince the slightest emotion, or move his glance from vacancy to the witness-stand. Calm and expressionless, he sat during the long and weary hours of the trial, the least moved and excited of any among the spectators in the crowded court-room. The jury was sworn and the trial proceeded. The facts of the killing were clearly proven, nearly as stated in the *Herald's* report. The surgeon produced the bullet taken from the brain of the girl in the "*post-mortem*" examination, and when he held the "messenger of death" up to the

gaze of the jury, every eye in the room was directed towards it save those of the prisoner. As I looked at him, I saw his lips move as if he was whispering a prayer to the departed spirit of her he loved so well, yet so cruelly murdered. At this point the court adjourned. I went to the prisoner, and speaking to him for the first time said, "Andrew, why did you do the deed?" Without any apparent emotion he answered: "*I was the unfortunate occasion, but not the guilty or willing cause.*" And in my heart I believed that he told the truth. I believed that an impulse and power as far beyond his control as is that which moves the beating pulse, or the throbbing heart, impelled him to the act, and that his intellect, morbid and diseased, had failed to control his actions. As the light of receding day is gradually enveloped in the darkness of twilight and the succeeding gloom of midnight without leaving a distinct line of demarkation between light and darkness, so does an abused and diseased organism gradually envelop and obscure that incomprehensible thing we call the human mind with the darkness of insanity; and let us remember that, in the language of a learned judge, "the cloud that settles over one portion of the mental horizon, may throw no shadow over the rest of it;" and that "while the sea is smooth and the winds light, reason may easily control the helm which is wrenched from its grasp by the first breeze that ruffles its surface."

When the court again "called" in the afternoon, I opened the case for the defense; and when, after many prefatory remarks and much circumlocution, I stated that our defense was that the defendant was insane at the time the crime was perpetrated, the statement was received by the jury with expressions of incredulity and even smiles of derision. I felt that the prisoner had already been condemned, but I hoped that the testimony might yet avail to make good our defense, and proceeded to call the witnesses.

We proved by the brothers and sisters of the prisoner that for years they had recognized the mental disease of their brother as a painful fact, but that family pride had induced them, as far as possible, to conceal it from the public.

We called a number of witnesses who had known the defend-

ant from his childhood, and who stated in clear and concise terms their belief that for years he had not been of sound mind. Numerous acts were proven that could only be accounted for by the theory of the defense. It was proved that the defendant for years had been afflicted with *insomnia;* that he would get out of his bed and walk the floor at night, swinging his hands and shouting, "Oh, my God! oh, my God!!" That at one time he placed a loaded revolver at his head and snapped it; that every chamber was loaded, and the cartridge struck by the hammer was the only one that failed to explode when the pistol was afterwards discharged; that it was with difficulty that the pistol was wrested from his hand before he took his life; that he would sit for hours in moody, sullen silence, and with his finger write sentences in the air; that he conversed with unseen spirits and communed with unseen forms, who alone could read what his fingers had written; that he was absolutely incompetent to transact the most common business of his profession, and was as ignorant as a child of the value of articles of personal property with which he was the most familiar; that he would play marbles with the little boys on the street, would talk to them in Latin and Greek, and would quarrel with them about the game. All this was proven and much more, and yet it was evident that the jury would convict by acclamation, for they had seen "crazy men" walk the streets bareheaded and barefooted, clothed it filth and rags. They had seen raving maniacs, and they knew no other form or kind of insanity. The opinion of scientific men who had made a study of the diseases of the human mind had no weight with them. Popular clamor invaded the court-room—its poison contaminated the jury-box, and "crucify him," "crucify him," was the voice of the people—justice was forgotten and her time-honored rules were ignored. The mob in the court-room had even to be rebuked by the judge for laughing in derision at the efforts made in defense of the prisoner. No motive for the commission of the crime was shown by the prosecution, while in the defense we read in evidence a letter from the deceased to the prisoner written only a few weeks before her death, in which, in the most endearing terms, she assured him of her constancy and love. This letter was signed, "Your affectionate wife."

The only reason or motive for the crime that was given by the commonwealth was that the father of the girl refused his consent to the marriage of the defendant to his daughter, and that the parties being cousins the Catholic Church forbade the bans.

When the counsel for the prisoner saw that a defense before a jury so constituted and so prejudiced would be hopeless, on consultation it was thought best to withdraw the plea of "not guilty" and plead "guilty" to the killing, leaving it to the court to determine the degree of the crime as provided by law. This was done, and after argument the presiding judge delivered the following verdict:

"Upon consultation with my associates, I think we are substantially agreed as to the proper disposition to be made at present with this case. The fact of killing is admitted. This shifts the onus of the proof from commonwealth to defendant. The defendant sets up as defense his insanity. The burden of proof is upon him, and it becomes his duty to satisfy us of the existence of this insanity. The proof must be such as that its weight firmly leads to the conclusion of the existence of such a mental condition as would reduce the grade of the offence. The existence of a reasonable doubt as to the sanity of the defendant is not enough. The fact must be established by the same sort of proof as would be necessary to establish the existence of any other fact in the cause. The question for us, therefore, is whether the defendant has shown insanity to exist in his case? Does the weight of the testimony fairly lead to the conclusion that his condition of mind is such as to render him incapable of the deliberate purpose necessary to constitute murder in the first degree? The circumstances under which the crime was committed are such as very clearly show the purpose on the part of the defendant. They show this purpose to have existed for some considerable time, and to have been worked out with persistency by the defendant. They further show the stealthy manner in which the offence was committed. They show flight. They show efforts at concealment. There are, therefore, present the evidences of consciousness of the moral quality of his act. We cannot say that we regard the testimony on the part of the defendant as to his insanity as

atisfactory to us upon that question. Yet it will lead to the onclusion that the defendant is, and has been for a number of ears, in a somewhat morbid state of mind. We are disposed, herefore, in view of the evidence and the conclusions we have ow expressed as drawn from it, to find against the defendant pon this question. *But we do it with the understanding that ur sentence shall be deferred until the April term, in order to ford counsel for the defendant an opportunity to make aplication to the Board of Pardons for a commutation of sentence from death to imprisonment for life, and in the application the court will heartily join.* We find the defendant, therefore, guilty of murder in the first degree. Sentence will be ostponed, as already indicated."

It was expressly agreed by the counsel for the commonealth that they would join in the application to the govrnor for a commutation of the punishment to imprisonment or life; andthus ended one of the most remarkable cases in he history of the criminal jurisprudence of the country.

APPLICATION FOR A COMMUTATION OF THE PUNISHMENT.

The following petition was prepared and signed by every ember of the bar of McKean county who was present at the rial of the cause; by the officers of the court, and six hunred citizens of the county:

o his Excellency, the Governor of the State of Pennsylvania:

The undersigned petitioners, citizens of Pennsylvania, reectfully showeth, that Andrew Tracy, of the county of Mcean, of the State aforesaid, was indicted in the Court of yer and Teminer of said county, at the February Term of 379, for the crime of murder, as will more fully appear by the ccompanying record of said case.

That the only defense set up by the defendant was insanity, nd with the view alone of reducing the crime from the first to ie second degree of murder; *and, whereas, grave doubts were ntertained by the court and your petitioners as to the sanity of he defendant at the time of the commission of said crime*, and elieving that the ends of justice would be better subserved, by

reason of the doubts arising under the evidence, in the case, by commutation of the sentence of death to that of imprisonment for life in the penitentiary, your petitioners, therefore, humbly pray Your Excellency to commute the sentence of the said Andrew Tracy to imprisonment for life; and as in duty bound will ever pray.

To that petition the judges appended the following:

"We, the undersigned, judges of the court before whom the defendant, Andrew Tracy, was tried, are of opinion that the prayer of the petitioners ought to be granted, and that the sentence of the defendant ought to be commuted to imprisonment for life in the penitentiary.

Signed, H. W. W., *President.*
F. N. B., } *Associate*
W. S. B., } *Judges.*

And in addition to the above, the president judge wrote the following letter to the governor:

SMETHPORT, PA., March 1, 1879.

To His Excellency, Governor Hoyt:

I have just finished a homicide case in which I have advised an application to the Pardon Board for commutation to imprisonment for life.

If there is not enough evidence of insanity to meet the rule of law, there is enough of what is at least strange and abnormal to make it proper to take the course suggested.

I sincerely hope the commutation may be promptly made.

I see no other way to do what really ought to be done in the case.

Understand me to recommend this action earnestly.

Very truly yours, H. W.,
President Judge.

We also procured letters from a number of the most prominent men in the adjoining counties, all most earnestly recommending the commutation of the sentence.

Armed and equipped with all these recommendations, I attended the meeting of the "Board of Pardons," expecting no opposition, and believing, as the president judge had stated,

that there was no doubt but that the board would recommend a commutation of the punishment of death to that of imprisonment for life.

On the hearing our application was rejected; immediately after we procured numerous affidavits stating the defendant's insanity, and made application for a re-hearing. After some argument the application was granted, and the next meeting of the Pardoning Board fixed for the hearing.

RE-HEARING BEFORE THE BOARD OF PARDONS.

In November, 1879, the case came up for re-hearing before the Board of Pardons. In addition to the testimony produced in court, the defendant's counsel read the affidavits of *thirty-two* witnesses who were well acquainted with Andrew Tracy, and who testified that for years they had considered him "insane"—"not of sound mind"—or "crazy," as they severally stated it. There was no remonstrance presented to the Board; no objection made to a commutation—*except by the district attorney*—and yet, to the astonishment of every one who knew anything about the case, they refused to recommend a commutation. Why this august body of men did so, is a question that no right-feeling man can understand. The average legal mind will fail to see any sufficient reason why the earnest recommendation of the judges who tried the cause, the members of the bar who were present at the trial, and the six hundred citizens who prayed for the commutation, should have been so utterly disregarded. The judge said to the Board of Pardons: *If there is not evidence enough of insanity to meet the rule of law, there is enough of what is at least strange and abnormal to make it proper to commute the sentence to imprisonment for life. I sincerely hope the commutation may be promptly made. I see no other way to do what really ought to be done.*"

But the Board of Pardons said: We do see another way, and that is the gallows. We know better than the court who tried him, who saw the prisoner and closely observed his appearance during his trial, what his mental condition actually was. We know better than the members of the bar who were present when the cause was tried, what law and justice demands in this

case. We know whether he was sane or insane at the time the crime was perpetrated far better that the forty witnesses who were intimately acquainted with him, and testify that for years they have considered him of unsound mind. The opinion of the court, lawyers, citizens, and respectable witnesses, who saw and knew all the facts connected with the commission of the crime and the trial of the defendant, and on oath testify to them, avails nought with us. In vain may justice and equity demand *"that we correct that wherein the law by reason of its universality is deficient."* Our constitutional power is not to be exercised in answer to appeals of courts, or of private citizens, for mercy towards the unfortunate whom disease has afflicted with a heavy hand.

This seems to have been the reasoning of the Board of Pardons—a tribunal that the legal mind of the country is beginning to look upon as a blunder of the Constitutional Convention.

The prayer for commutation was refused. The Board said, "send the prisoner to the gallows."

THE EXECUTION.

The 4th day of December, the day fixed for the judicial murder of an insane man, dawned gloomy and foreboding on the little village of Smethport. "The mist of the night hung like a pall over the village and hill tops," a fit day for a deed which even when fully justified by the law and the facts, is looked upon by many thoughtful men as a relic of barbarism.

At 1:30 o'clock the sheriff led the doomed man from his cell to the scaffold. He was followed by the Rev. Fathers ——, who were his spiritual advisres; they recited in an audible voice the "litany," in Latin, while the prisoner responded in the same language. He ascended the scaffold with a firm step and an erect carriage. An observer who was present says that "Tracy looked better than he had for months. His face, usually pale, was perhaps slightly more pallid, but his fine classic features were firm, and betrayed no appearance of agitation, while his general bearing was that of perfect composure. The ominous black-cap was drawn over his head, the rope was

adjusted, and in a moment the drop fell, Tracy's body falling immediately through the trap door. As it did so, the rope stretched and seemingly parted with a snap; the victim falling against the frame of the scaffold with a sickening thud, and lying, to all appearances, lifeless on the prison floor. The sheriff gazed incredulously through the open trap at the prostrate man below. Finally he seized the rope and pulled it up, when he discovered that the knot had opened and allowed the rope to slip from the prisoner's neck. It was instantly replaced by a new one, and a number of deputies seized the victim, pushed him through the trap, and again placed him on the scaffold. Here he was supported in a semi-erect position while the sheriff prepared for a second attempt to perform the disgusting duties of his office. The suffering victim was badly stunned by the fall but retained his consciousness. The second noose was again adjusted, and the drop fell. For a few minutes the body swayed to and fro, and then became perfectly still—he was dead. A murder more foul and wicked than that of Mary Reilly, because done with all the deliberate formalities of the law, had been perpetrated, and all because the court, composed of three upright, able and worthy judges, had believed that the Board of Pardons would respect their earnest recommendations to mercy.

Never before in the history of the commonwealth has the urgent and unanimous recommendation of the members of the court which tried a prisoner been so utterly and unjustifiably disregarded, by the pardoning power; and we believe that the reader of this sketch will look in vain for a satisfactory reason for such refusal.

The prisoner had selected the place of his burial: and at his earnest request his remains were buried there. The place selected was a grassy mound near a piece of woodland on the old homestead where he was wont to wander in sadness, and in the silent hours of twilight indulge in feelings of devotional love for the murdered Mary. For it was there they first plighted their troth, and there they had spent many of those blissful hours incident to young love, its fragile vows and transitory illusions.

We have been somewhat prolix in narrating this case for the reason that it was so unusual in its surroundings and so tragic in the end. During the long imprisonment of Andrew Tracy he showed not the least remorse of conscience, but seemed to be firmly convinced that he had committed no crime, but had by a merciful act sent the woman he loved to a Heaven of eternal rest and happiness "where there should be no more sorrow or tears," and where, with angels for her most fitting companions, with love's impatience she would await his coming; and his last words to me were "*what do I care for what they may do to me? Let them tear me from limb to limb, I shall only see Mary the sooner.*"

During his imprisonment he wrote the following poem which was published June 5th, 1879, in the *Kane Weekly Blade*. I give it in full, as an evidence not only of the talent and even genius of its author, but also believing that those who have given the subject of psychology any attention will see in it an undercurrent of mental aberration—an evidence of a monomania, that prompted the act, and a mind so diseased as to feel no compunctions of conscience, but rather self-justification for the crime committed. I do not believe that any candid reader can read this poem with a knowledge of the circumstances that preceded it and not believe that Andrew Tracy was a monomaniac, a man of diseased mind, who believed that the highest crime in the calendar of human transgression, when committed by him in the murder of his affianced wife, was a meritorious act,—one that was justified by the circumstances, and was approved of by the angel spirit of the dead girl: and that when the law had wreaked its malice on him and his spirit had crossed the unknown river, her form would be the first to greet him, and with a kiss of love welcome him to the abode of the blessed.

I also believe that every candid and unprejudiced reader outside of the official chambers at Harrisburgh will say that under the influence of the enlightenment of to-day, and the mercy which science demands in behalf of the mentally diseased, Andrew Tracy should not have been executed, but imprisoned for life.

UNSEEN REALITIES.

Written by Andrew Tracy, who is Confined at Smethport, under Sentence of Death, for the killing of Mary Reilly, at Smethport, on the Evening of the 18th of September, 1878.

They err who deem the captive's lot confined
To the drear scenes within his prison walls;
For ofttimes to the dungeon's occupant
The largest, noblest freedom has been given;—
That of the soul's communion with its God.
Eternal Father! Source of Light and Truth!
To Thee my spirit rises, and with Thee
Confers, as with its friend; o'erjoyed to feel
It thus can soar aloft and lose itself
Amid serene, celestial contemplations
By Thee inspired; to feel Thou dost not scorn
Its fervent rapture. Great Original,
Maker and Lord of all created things,
Thy glory fills my soul with wonderment!
Wisdom and justice, majesty and power,
Love, goodness, mercy, are Thy attributes,
And all Thy attributes are infinite.
Compared to Thee, how mortal, finite man,
Despite his pride, sinks into nothingness!
Thou all-pervading essence, uncreate,
Soul of the universe! to whom our thoughts,
Actions and words are known; whose sleepless eye
Discerns all times—past, present and to come.
Whose will it is that guides and regulates
The work of nature's vast harmonious plan;
What wonder that my spirit should be rapt
In adoration and in love of Thee!
What wonder that my tongue should utter forth,
In strains however weak, its note of praise!
Then be Thy name, O, God, revered and blest
Throughout all nations, to the end of time.
Let man, the creature of Thy hand, return
To Thee his hymns of heartfelt gratitude
For every benefit by Thee conferred;
But more than aught beside, for that bright hope,
That cheering promise of an endless life,
Replete with bliss, the guerdon of the good.
My heart goes forth in thanks for this glad trust,
This living faith, which Thou to me hast given.
It is my life, my all; I seek no more.

I thank Thy bounty, not my own deserts;
These have been small; yet greater far, perhaps,
Before Thine eyes than in the sight of men;—
So much of good, as well as ill, though veiled
From mortal sight, to Thee is visible.
Man's guide to judgment is the exterior seeming;
Thine, the interior reality.
Man, through the shortness of his vision's range,
Is oft deceived · but Thou, Almighty, never.
As well might man, from gazing on the sea,
Think to describe the wonders of its depths,
As to unfold, from outward semblances,
From words or acts, the secrets of the heart.
But Thy omniscience knows no mysteries;
The heart to Thee is as an open book,
Most clearly writ · with all its characters
Plainly apparent as the noon of day.
What doth it matter, then, though my deserts
Are, by my fellow-mortals, counted small,
If Thy superior judgment, always just,
From theirs doth differ? What, though men condemn me,
If Thou dost not? What, though they be my foes,
If Thou art still my friend? O, what, I ask,
What doth it matter, though they call me guilty,
If Thou regardest me as innocent?
And that Thou dost, my soul is satisfied;
For never, never yet, has guilt escaped
The swift and vengeful arrows of remorse.
If, in Thy sight, I was a wicked thing,
Thou, Fount of Justice, wouldst have made me feel
A sense of wickedness; but Thou hast not.
Thou hast enriched me with that priceless gift,
A peaceful conscience, and, unceasingly,
Thou speakest to my soul in soothing tones,
As friend to friend might in adversity.
O! Best of Friends! How potent is Thy love
To comfort and sustain my weaker part,
Through all earth's ills, pow'rless to harm the soul
Thou dost not look upon me as upon
A criminal; unfortunate I am,
But such Thy mild compassion ne'er deserts.
The vials of Thine anger Thou dost hold
For sinners heartless, hardened and confirmed;
For those who sin in secret—Pharisees
And hypocrites, the worst of evil doers;
Who oft despite their dark and hidden deeds,

Before their fellows bear an upright mien,
And a repute of justice, unimpaired.
Such are the criminals whom Thou dost brand
With condemnation; not the well-disposed,
Who strive to keep Thy laws, and only err
Through lack of needful strength; in such as these
No single fall can e'er obliterate
From out Thy book their virtuous actions past.
Thou dost regard the intent; which, howe'er good,
May sometimes fail because the flesh is weak,
As Thy word tells us. Him that thus hath erred,
If penitent, Thy all-forgiving love
Uplifts, and in a better sphere than this,
Adorns with virtue's most resplendent crown.
Thus hath it ever been, Almighty Judge,
Before Thy grand tribunal; Thou hast ne'er
Despised the contrite heart. Thy laws contain
The sum, the essence, and the true perfection
Of justice; but alas for humankind
Were these, Thy laws, less merciful than just.
Thou hast observed my life in all its ways,
And, in Thy Holy presence, I aver
That it's unchanging purpose e'er hath been
To gain, by universal righteousness,
Thy favor, Thy approval, and Thy love.
Truth, justice, honor, ever were the guides
I yearned to follow, shaping every thought,
And word and action to their precepts. Vice
And falsehood I detested in my soul;
How, thus disposed, I struggled on my course,
Bearing the frailties which Thy sovereign will
Designed that I should bear; how, furthermore,
I toiled 'neath burdens not from Thee; (alas,
That charity on earth should be so rare,)
And how, alternately in fear and hope,
I battled still with grim adversity,
Is known, O, God! to Thee, and Thee alone!
From men, devoid of kindly sympathy,
I labored to conceal my inward self,
Though, had I willed it otherwise, and sought
To utter all I felt, the task were vain,
Since not the powers of human art combined,
Not pen of poet, tongue of orator,
The sculptor's chisel, or the painter's brush,
Could fittingly portray to human sense
The crucial test, the deep intensity

Of anguish, both in body and in mind.
The countless pains and weaknesses and woes,
That bore me down through many a weary year.
Such were the crushing burdens that produced
This overwhelming evil; not from me,
Not from my heart it came, nor from my will,
Reason or better judgment; not by me
Were the wild elements in uproar set
That wrought this ruin; elements as rough,
As far beyond control as is the storm
That lays the forest low, and desolates
The sea with shipwreck. Not from me it came.
There live whom life must harrow to the last
With pangs exceeding death, since from their hearts,
As from a poisoned source, the deadly stream
Of this great evil flowed;—from thence alone
They suffer; and would suffer yet far more
Were I to throw the light on e'en a part
Of their dark secrets, as I could on all.
But I forbear; to those that hate me most
I would not cause one momentary throb
Of anguish or remorse. Enough to say,
The guilt pertaineth elsewhere than to me.
And who of all that knew me will assert
That my heart nurtured malice toward the one
It idolized? Omniscient Deity,
Searcher of Hearts, Thou knowest if this be true!
But human judgment is with charity
Most rarely tempered. Violent and rash,
And deaf to justice (that should ever be
Its trusted guide), it stoops to gratify
Men's basest passions, persecuting oft
Both good and bad alike; it hath condemned,
From earliest ages, myriads of Thy just;
Nay, hath it not condemned Thy only Son?
And yet thy charity, which, more than all,
Exalts our nature, animates the breasts
Of many here below; as, in this night
Of utter sorrow, I have found with joy.
And many more, I ween, might justly claim
This high possession did they but pursue
The noble promptings of their better selves.
For few, indeed, can give their calm consent
To wilful wrong, to cool iniquity.
If, then, my fellow-creatures e'er have done
Aught unto me which now their sense of right

Reproaches them withal; if men, self-styled
Lovers of justice, have regarded me
With bitter hate, set not their thoughtless acts
Against them in Thy wrath; forgive them, Lord,
As I forgive them from my inmost heart,
And as I hope, myself, to be forgiven.
Why should my lips repine? Man's life, at best,
Is but a season; mine hath ever been
So void of sunshine that I long to greet
Its closing scene; its interests and desires
Are dead with me. Health, its chiefest boon,
Is vanished. But loftier aim attracts
My aspirations. Unto Thee I turn,
O, Heavenly Father! as my spirit's hope;
Whose bounty can repay a thousand fold
All losses here; whose never failing word
Hath promised comfort to the one that mourns.
And, in the deep recesses of my soul,
Thy silent voice gives warning that Thy call
Will not be long delayed; it bids me trust
That I shall soon behold, mid happy groups,
The well remembered forms whom earth no more
Can sadden; and that with them I shall dwell
Forever in Thy starry blest abode.

A short time before his execution the unfortunate man wrote statement or confession of the crime and the causes that led its commission. In reading this paper the thoughtful mind ll see the same undercurrent of *monomania*—the same appar- t unconsciousness of guilt and even a belief that the act was stifiable under the insane idea that by her murder he prevented r from committing the crime of perjury in accepting an offer marriage from a man he deemed unworthy. It was not alousy that prompted the act, or his victim would have been e man not the girl. But to keep her he loved pure and free om contamination, he took her life—sent her in her purity d innocence to that Heaven where he believed he would meet r in the near future. There was no malice in the act; he felt malice towards her; but love, and only love, so deep and erpowering that he worshipped her as he did his God. She s his ideal of all that was pure and beautiful; the object of s deepest affection; too good for earth and its temptations;

and to remove her from all the trials and sorrows of life, to keep her pure in body and soul, he murdered her that she might be forever happy in Heaven. The sane mind suggests no injury to the objects of affection. But to the insane, those the best loved are often the first victims of an uncontrollable desire to destroy.

A short time before his execution Andrew made the following statement which was published.

THE CONFESSION.

WHO WAS TO BLAME?

I shall not presume to decide. But this I will say: I have never had any feeling of guilt and I do not believe that God looks upon me as guilty. I was of course the occasion of a great misfortune—a misfortune which was deplored and regretted by none more deeply than by myself—I was the *occasion*, yet I was *not* the *cause*.

Nor did I blame her who is departed. The wrong she did my affections was brought about by human weakness, and by the influence of selfish and evil disposed persons. Left to herself, left to her own free will, she was above all wrong. In order that those who read my words may judge who is to blame, I must make some reference to the past. I trust that none may be offended at this reference. Nothing is further from my intention now, than to cause pain to any one. But, I must make known the TRUTH at all hazards. I must "hew to the line, let the chips fall where they may." And I think few, very few, if any will accuse me of uttering falsehoods now. The engagement between myself and the deceased was, perhaps, one that ought never to have been formed. However it *was* formed, and it was originally suggested by her own words; by her own unreserved delaration to me, that she hoped I would never marry. I considered this as an admission, spontaneous and unsought, that she had already given me the first place in her regards, and I was not mistaken. Still, though I certainly was no more capable of remaining indifferent to the affections of such an excellent person than men ordinarily are, I sought not her promise till long afterwards.

Meanwhile, of the remark referred to she had given me this candid explanation, that, "she did not believe there was a woman living who could love me as she did, or as she thought I was worthy of being loved; and for this reason she would hate to see me married at all." I would not have admitted this much, were it not that certain malicious persons, who, while knowing nothing, claim to know everything, have gratuitously asserted that the liking was all on my side, that I was a rejected suitor, etc. I could not suffer such gross falsehoods to go uncontradicted. The truth is, that long before I asked her promise of marriage, I was in no doubt as to what her answer would be. I do not deny that she expressed some scruples concerning the propriety of the step and some fears regarding the opposition likely to be encountered; but these were speedily explained away. Exceptions to the ecclesiastical regulation had been made with others in a like situation; why not in our case and in our favor? And as to the opposition, time and our own firmness would finally succeed, we persuaded ourselves, in neutralizing its force. So we exchanged a mutual promise of marriage. Any approach to the time when such a step could be carried out we did not even surmise. We only knew that we were then, as we were for years following, unspeakably happy in the pure, yet intense love we cherished for each other.

But, at length our attachment became public and created a good deal of gossip. Her father informed me one day in her presence as he had shortly before done in writing, that it must be stopped immediately; that he would prevent our MARRIAGE with his life? Alas, the vexation and vicissitudes of our earthly existence! How they tend to incapacitate our poor reason! We seem like mere automata performing a part in accordance with the directions of a will superior to our own. Some men of learning have been inclined to believe that we can no more arrest destinies than we can prevent the hairs of our heads from growing. I do not think so. But I do believe the very best of men will do wrong in a moment of weakness—have done wrong, and as it were, despite themselves. Now, it is not improbable that this man would have carried out his twice-made threat had the contingency happened upon which its fulfillment depended.

Suppose this had been the case, would he have been a murderer? Perhaps the world might have looked upon him as such. But with God, who in his mercy makes allowance for his weaknesses, it would have been otherwise. Nature had given him passions which he was entirely unable to control. His heart was set on the prevention of this marriage, which he considered as not only unchristian, but disadvantageous to the young lady, of whom he was in his way, exceedingly fond. Of course, it was her feelings as well as my own that he disregarded; but, yet he was fond of her; at least, *roughly* fond. If, then, he saw no other means of preventing what he so much condemned he would have taken my life without the slightest hesitation. Yet he would have been, in the sight of God, no murderer.

Had he himself since the occurrence of my misfortune reflected on all this, he might, perhaps, have spoken of me more charitably than he has done. I cannot help believing that the poor girl was actuated in her subsequent conduct by a fear of his carrying out the threat she had heard him repeatedly make, and that sooner than see her own father punished as a murderer, she concluded, upon mature reflection, to do violence to her sense of right. This, I love to believe, as it takes away all blame from her. She was a model of purity, and the embodiment of goodness, and would not, for any other reason than that which I have assigned, or for any less reason, blast or ruin the life of any person, even were her feelings towards any such person completely indifferent—and her feelings towards *me* were *not* feelings of indifference. The ill-omened interview to which I have referred was calculated to dampen our happiness. At the next opportunity we had of speaking in private, which was after some considerable time, I informed her that if she wished it I would free her from her engagement, and give my consent to her marriage with another, provided he were worthy. She replied to this in a tearful voice, that she would *always* love *me*, and would never think of marrying another; but, that she was afraid herself, and that she and I must always be as strangers to each other. And then she *wept* long and bitterly.

I see her mild, beautiful, sorrowful, angelic face before me now, as she then stood weeping. O, God! there *is*, there *is* a better world than this, and she is there. I need not say that

my heart bounded with joy at the proof of her loyalty and love. I bade her hope for the best, assuring her that sooner or later our unswerving constancy must surmount all obstacles.

We then in the most solemn manner renewed our vows and called upon God to witness them. I do not believe that any possible ceremony could have united us more firmly, more indissolubly than did these plighted words of undying love and faithfulness. We actually regarded each other as already man and wife, at least in the eyes of the Almighty.

We knew well what talk, what trouble would ensue should this become known; and so we resolved to keep it all *strictly* to ourselves. But our feelings only became the more ardent by being smothered. At least it was so with me. In reality, her love was all I valued in the world; and from that moment it would have been impossible for me to change in my affections or endure a change in its object. The *role* of strangers was now before us, and we rarely met save in crowded places. We could make no reference except in writing, to the subject nearest our hearts. The tongues of intermeddlers, whilom so busy, experienced a temporary quiet. But this did not last long. It appears to me that every one who seeks a soul-satisfying happiness on earth is doomed to be disappointed in the end. And how after all this disappointment is caused by man's inhumanity! Are not all who pretend to understand the human heart aware that predilections are as something fixed, and not to be eradicated? And did not every one who knew us, likewise know that our feelings, even if slumbering, were not dead? To all in our circle of acquaintances our deep attachment had been no secret. Nevertheless there were individuals (physically, men; mentally and morally, beasts) who, to reproduce an expression quoted from a note written by her to me—actually "forced their society upon her," with a view to induce her to violate her vows pledged to me in the past. Ere long, the gossips were again busy. I occasionally remonstrated with her on the impropriety of her giving the least foundation for reports associating her name with that of any other man. This I always did in a gentle manner, appealing to her, to know if my unswerving faithfulness did not merit a better return. Her answer was invariably to the effect that if people wanted to talk she could

not stop them; that the only means by which she could get rid of them was to openly insult them; this she could not do, although their presence was "repulsive (her own words) to her;" that she had treated them and would continue to treat them with marked indifference, and that she could do no more. She invariably added that she hoped I would never doubt her, no matter what people would say. I don't know that I could have desired her to say or promise anything more. Yet, I began to feel, I know not why, a sinking of the heart; a strange foreboding of evil. The slightest word conveying to my mind a sense of her fickleness, was to me like the sting of a serpent, and such words were continually passed from mouth to mouth and there was no such thing as stopping them.

At length it became rumored about the neighborhood that she was soon to be married; and to one of whom she had frequently spoken in terms indicating the utmost abhorrence. In one of her notes to me she characterized him as "shallow and conceited," as a "hypocrite," expressing his pretended affections for her in verses from Byron, and other poets, which he tried to make her believe were his own composition. He was, moreover, according to general report, in the truth of which I as well as others frequently heard her declare her belief—a debauchee of the lowest character, the habitual associate of women of the lowest and most degraded class. Notwithstanding this, and the additional fact that she had many times publicly shown her contempt for him, she was to become his wife. I would like to know whether, at this stage, in view of her past and mine, it can reasonably be thought strange that my very soul should revolt at the bare thought of her marriage with another, even if he were a good man and her equal

What, then, must have been the horror, the disgust, inspired in my mind by reflecting on the case as it really stood. She could not associate with this personage without having the breath of slander breathed upon her fair name. Is it then to be wondered that I sought to drown my misery in dissipation? Well meaning friends told me reprovingly that I seemed like a child in the world's affairs, that I never would have the art of making money, and so on. I heeded no reproof, advice fell flatly on my ears. What to me was money, what anything when

all I valued on earth was lost to me, and worse than lost? One who has ever been situated as I was, can understand my feelings and the peculiar wretchedness of my situation. Others cannot. I strove continually to forget my great sorrow—to forget the past, but in vain. The burden was too heavy and was crushing me both in body and in mind. A great part of my sufferings must have been known to all; and yet, with few exceptions, feelings of hatred and vengeance were about the only ones cherished toward me by people professing to be His servants, and who can only accomplish the destruction of the body, which is neither a great feat nor an illustrious triumph when done. The slimy reptiles that crawl the earth could do the same thing to themselves. The people I describe are not immortal; a day of reckoning will come to them, and perhaps all unexpected. But this is foreign to my subject. At the time of which I write I endured more, I think, than any one on earth can imagine. Oh, what sleepless nights! What days of wretchedness! What hours of wild and furious delirium! She saw that I was hastening to my ruin, and what could have influenced her to act as she did? I have already stated what I believe to be the explanation, namely, to prevent a double ruin. She was, as I believe, willing to make her future life one of sorrow and suffering, to incur the guilt of perjury, if not worse, trusting in God to forgive her for doing the lesser evil that the greater might be avoided. This may, and doubtless will, appear strange to all who are not aware, as I am, that she was subjected to private trials and tribulations at home, to which I must now for the first time regretfully refer, and from which any avenue of escape, even to marrying a person she loathed and detested, must have seemed desirable. Her home was what the world would call happy. Yet, her condition was one of abject misery. The cause of this misery, was a lack not of mere creature comforts, but for want of kindness, respect and consideration. Nine out of ten young ladies would have been happy in her situation, but to her sensitive nature the least harshness was unendurable, and I grieve to say it, little save harshness ever fell to her lot.

More than once, I myself have dissuaded her from a rash intention of going forth into the world without knowing or

caring whither. My heart bled to witness her sorrow, and to know that I was powerless to befriend her gave me additional pain. Yet, she declared repeatedly that I was the only friend she had in the world. The heartless and inconsiderate treatment bestowed upon her was sufficient to destroy and did eventually destroy her patience, although the outer world never knew it. Her spirit was perpetually galled by disrespect, by rudeness and by tyranny. I do not wish to dwell, or be exposed to unseemly length on this disagreeable subject. I will admit that she was beloved by all her people and by her parents in particular. This being the case why then did those parents who loved her tenderly, cross her in the dearest wish of her heart? Why did they not leave her free? Did she not possess judgment of her own? Did they think it sinful in her to cherish that affection which she herself said her Creator had implanted in her heart? If so why did they not object to what was far *more* sinful? Surely they could by using their absolute authority have prevented what every lover of virtue must look upon as a most terrible contamination. They are not very consistent in giving out that she abandoned her affection for me on their representation that it was wrong. Conscientious people do not avoid one wrong in order to plunge into another one still deeper. The truth is, they worked on her girlish fears; made her desperate; in short, broke her heart. She herself never gave me to understand that her affection to me had become a thing of the past. She saw that the fates were against us, and she yielded to the inevitable, as poor weak women when pushed to the wall will. She now seemed determined that we should meet but seldom. And when in her desperation she resolved upon a certain course she avoided me as though I were a plague. Yet this does not convince me she was changed at heart. In her letters to me, she bestowed upon me unstinted praise for all the qualities she mostly admired, for truthfulness, generosity, honor, talent, sincerity, kindness, gentlemanly conduct, etc. Is it probable that she would of her own free will, for the sake of a trifling scruple, transfer her affections from me to a poor wretched thing, whose qualities she described as being the very reverse of the above? Yet, such was the report, and she did not deny it. Her actions confirmed it. My own condition was

ow indescribable. I recollected her oft-repeated words, never to oubt her, no matter what people might say; and although she ad of late exhibited a strange coldness of manner toward me; persuaded myself that the change was only to outward appear- nce. To obtain a private interview with her was impossible. I erefore prepared a note with some verses annexed, which I eant to have given her at the first opportunity I could do so nobserved by others. I say "unobserved by others" because en to hand her a note in the presence of any other person, ould have excited disagreeable comment, and perhaps have ven her offense, at which I would not have wondered, for God nows, venom-laden human tongues had stung us both often ough already. The object of the note was to re-awaken her tter feelings. Here are a couple of the verses:

"What heart can scorn affection—that prize on earth so rare?
Could I ignore a love like thine who was so pure and fair,
Or did I err when I believed that love sincere and deep?
I could not doubt thee, for my doubts had oft times made thee weep.

"But now, alas! dark shadows o'ercast our sky serene,
While foe are near us striving hard to place a gulf between.
Oh, let us not forget the past, but keep its light in view,
And we will triumph in the end by standing firm and true."

This note I carried about with me intending to hand it to her, t several weeks passed without the desired opportunity. One y I had been away from home, and returning in the evening w her in my sister's store. I immediately said to myself: "I ast give her that note this evening; I can bear this suspense longer." But the opportunity did not present itself, as there re others present. I dreaded the task, fearing lest she should at me haughtily. I had been drinking freely that day and *I ank more then, hoping thereby to acquire a boldness I knew I l not possess.* By and by she and another young lady walked t of the store and up the street. After some time had elapsed ollowed them, thinking what excuse I should make. Another son accompanied me and I think talked, but I knew not one rd he was saying. I had almost caught up with them when ldenly they increased their pace. This I thought was done shun me. I became delirious, maddened, so that I realized

nothing. At the last instant my hopes dropped into the dust and left me wild, desperate, uncontrollable a—madman. The rest I need not tell, the sad results of which I had never dreamed. All the subsequent slander, injustice, bigotry and persecution of which I was the victim, are known to the world. I will admit that I had often before felt that I should rather see her dead than degraded. This feeling was but natural. What father, what mother would not feel the same regarding a child whom they loved? I never anticipated the sad event. Up to the very latest moment, it was my hope and my belief that all would still come right. The young woman's father aided the commonwealth in procuring my conviction. Had he stopped there this outline of the truth would never have been written. But I have been told that he has continued without ceasing to denounce me as a villain, thus virtually forcing me to speak in my own defence, plainly, so that people might judge for themselves. Many generous-minded persons of real worth and high standing, were disposed to look on circumstances as extenuating the offence of which I was convicted. He strove to blacken me in the eyes of all. Why was not my blood sufficient to him without pursuing me into another world? Let him remember that I am no more of a villain than he would have been had she remained faithful. Let him remember as it is, I am no worse than he himself is in the sight of God, for with God, in my opinion, the determination to commit crime is fully as bad as the actual commission of the same.

Let the reader draw his own conclusions from these hastily and carelessly written yet truthful remarks *as to who is most to blame.*

ANDREW TRACY.

Smethport Jail, December 3, 1879.

Our story is ended, and the murderer and his victim have gone before that tribunal within whose sacred precincts no error can come, and we trust the plea that was of no avail on earth, and which human tribunals so utterly disregarded, will be heard with divine favor by him who judges not as man judges. Whether the crime was the result of a diseased brain or a depraved heart, it is certain that it required the influence of

whiskey to nerve the arm of the assassin to its perpetration and it is but another page written in blood against the license system of the country. But for the near-by licensed drug store, the prescription whose ingredients were insanity and murder would not have been obtained at the time, and the crime would not have been perpetrated.

"VERILY THERE IS MURDER IN THE GLASS."

CHAPTER XXIII.

"*TWO MORE UNFORTUNATES.*"

"By strangers' hands thy dying eyes were clos'd,
By strangers' hands thy rigid limbs compos'd,
By strangers' hands thy humble grave adorn'd,
By strangers honor'd, and by strangers mourn'd."
—*Pope.*

YESTERDAY the body of a stranger was laid to rest beneath the trees of our beautiful cemetery. He had died suddenly on the cars going west, and his body laid for several days at our undertaker's while the telegraph was enquiring for his friends or relatives. But no relatives came; a member of the New York Press Club arrived in our city and directed that the remains be interred at Greendale. From the evening paper I quote the following:

"The deceased, Mr. A———, was a Scotchman by birth, and was fifty-seven years of age at the time of his death. He was in every respect a self-made man, and acquired his education after coming to this country. He was the possessor of brilliant talents in early life, and was prominently connected with the *Herald, Times*, and other New York papers, and was an honored member of the New York Press Club. But *becoming dissipated*, he drifted from bad to worse, and for the last seven years had not been engaged in any particular branch of business. At one time he was in possession of an ample fortune, but by bad investments, habits of drunkenness and dissipation, he had reduced himself to almost the condition of a beggar. His family had become scattered, and he was a wanderer on the face of the earth."

To the human mind the thought of death is ever terrible; even when we know that we are to die at home, surrounded by sympathizing friends and afflicted relatives, where the hand of

affection can smooth the pillow of death, and where the voices of those we love are the last sounds that strike our dying ear. But to die among strangers and be

> "——like a dull worm to rot.
> Thrust foully in the earth to be forgot,"

adds to the pangs of death the terrors of oblivion. And yet in some cases oblivion would be far better than to live in the recollection of those on whom our lives have cast a shadow of shame. It is terrible to think that after we are dead our friends will blush at our memory, and that to those we love best in this world we have left naught but the legacy of a drunkard's name and a pauper's grave. But the "poor unfortunate" is not all to blame, even for his own dissipation. A Christian government is not blameless that sells as a franchise the right to create an irresistible appetite that has but one inevitable end—that end ruin and death to its victim, and sorrow and shame to those who love him. A government should be a protection to the citizens, and it is a sin against God and man to fill the public treasury with the price of debauchery, drunkenness, crime and pauperism.

In another column of the paper that recorded the death and burial of this one victim of a cruel traffic, I read the following:

"A young man of Chester, Pa., got lost in the woods while suffering from *delirium tremens*, and died there. When found, his setter dog, in an emaciated condition, was lying on his body, and could hardly be dragged away."

There was something so touching in this account that I thought it deserved more than a passing notice. The fidelity of the guardian dog, and the infamy of a guardian government are so strongly contrasted that we cannot but appreciate the feelings of Cæsar and Luath in Burns's "Twa Dogs:"

> "When up they gat, and shook their lugs,
> Rejoiced they were na men but dogs."

and we cannot but feel contempt for a venal senate and legislature that now refuses to submit to the people the question of prohibiting the sale of that which causes delirium and death;

that through fear of the influence of the whiskey dealers at the polls, ignore the pledges made before election, and refuse the demands of a temperate and Christian constituency.

The pen of a writer fails to portray with accuracy the terrible death of this poor victim of a depraved appetite as amid the gloom of the forest he died. Around him were the hideous forms of a diseased brain. Fiends from the regions of darkness laughed and gibbered at him as they swung from the branches of the trees over his head. Snakes and reptiles of hideous forms hissed around him, and crawled with cold and slimy length over his pain-racked body, as with gaping mouths and forked tongues they breathed their fetid breath in his ears, and stung him with their poisonous fangs. Every conceivable imp of darkness and "goblin damned," danced in maniacal glee around him; while monstrous worms with eyes of flame and burning touch crawled over his naked face and licked the foam from off his shrieking lips. Pain, like liquid fire, coursed through his veins, and agony indescribable convulsed his limbs, while the dark recesses of the woods echoed back his blasphemous shrieks as he sought in vain to escape from his tormentors. Death came at last, and at its icy touch the imps and reptiles that live only in the depth of the intoxicating cup, fled back into nothingness. The woods were silent, and save the presence of the one faithful friend, the victim of the licensed curse was alone until accident led the footsteps of a stranger to his decaying body. Then men gathered around it. Then officers of the law, armed with legal processes, sought to find the cause of his death. Then, with lying tongues, the men who dared not tell the truth for fear of the political influence of the rumsellers, certified to a falsehood, and recorded the cause of his death as "*unknown*," when it was as plain as truth itself that he had been murdered by an assassin licensed by law to "kill and spare not," and whose pathway of crime—always the same—is established and protected by a Christian people.

The last incident has its parallel in one related by Sir Walter Scott, in the poem "Helvellyn." It occurred in 1805 when a young gentleman perished by losing his way on a mountain in Scotland. His remains were not discovered until three weeks afterwards, when they were found guarded by a faithful terrier,

constant attendant during his solitary rambles through the ls of Cumberland and Westmoreland. The poem needed a slight change in its phraseology to apply to this incident, this I have made, marring as little as possible the beautiful ification of the great author.

I wandered alone by the foot of a mountain,
Around me the forest spread silent and wide;
All was still save by fits, when a raven was calling,
And like answering echoes, its companions replied.
On the right a dark stream 'round the mountain was bending.
Like the moat of a castle, its ramparts defending,
A huge, nameless rock in the front was ascending,
When I marked the lone spot where the wanderer had died.

Dark green was the spot 'mid the brown mountain heather,
Where the victim of passion lay stretched in decay,
Like the corpse of an outcast abandoned to weather,
Till the mountain winds wasted the tenantless clay.
Nor yet quite deserted, though lonely extended,
For, faithful in death, his mute favorite attended,
The much loved remains of her master defended,
And chased the hill fox and the raven away.

How long didst thou think that his silence was slumber?
When the wind moved his garments, how oft didst thou start?
How many long days and long nights didst thou number
Ere he faded before thee, the friend of thy heart?
And oh, it was meet that—no requiem was read o'er him,
No mother to weep, and no friend to deplore him,
And thou, little guardian, alone stretched before him—
Unhonored the victim from life should depart.

When a rumseller to the fate of his victim has yielded,
The tapestry waves dark round the dim-lighted hall,
With mountings of silver his coffin is shielded,
And mourning friends deck with flowers his pall.
Through the streets, at noonday, the cortege is gleaming,
In the proudly arched chapel bright garlands are beaming
Far down the arched aisle sacred music is streaming,
Lamenting that a good man (?) of the people should fall.

But meeter for thee, poor victim of passion,
To lay down thy head in the forest's dark room,
That none should be near thee, with heart of compassion,
To weep o'er thy ruin, or pity thy doom.

And more fitting thy couch, by this lonely stream lying,
Thy obsequies sung by the black raven flying,
With one faithful friend but to witness thy dying,
'Mid the shades of the forest, its silence and gloom.

CHAPTER XXIV.

A DREAM.

"I had a dream, which was not all a dream."
—*Byron.*

"As Tammie glour'd, amaz'd and curious,
The mirth and fun grew fast and furious;
The piper loud and louder blew,
The dancers quick and quicker flew;
They reel'd, they set, they cross'd, they cleek it,
Till ilka carlin swat and reek it."
—*Burns' Tam O' Shanter*

"Times are very hard, men can hardly get hold of money enough to buy bread. I do not see what poor folks are to do through the winter that is coming."

This remark was made to me by an old friend whom I met in the streets. Mr. W—— was a man of wealth and social position in our city; extensively engaged in business, and a temperate man in the ordinary meaning of that term. Yet, as he uttered that sentence, I noticed a suspicious odor mingling with the morning air.

Yes, he was a temperate man *in præsenti*, what he would be *in futuro* I feared and doubted. He would have been offended at the prediction that he would ever become a drunkard. Yet he had commenced that journey whose end is as inevitable as the decrees of fate. Kind and philanthropic in his feelings, he sympathized with the poor, deplored the hardness of the times and the scarcity of the circulating medium that caused want and hunger in many households.

"I do not think the times are so very hard," I replied, "when the people can spend so much money for needless luxuries, and even hurtful articles of consumption. If the wealth wasted in extravagance was diverted to philanthropic purposes there would be no hungry poor in our land, not a ragged child

nor half-clothed mother would be begging for food, not a drunkard would be reeling along our streets."

"Needless luxuries!" he ejaculated, in a tone of self-justification, while his perfumed breath wafted to my unwilling nostrils a commingled odor of the *Crosbyan* beer mug and imported (?) tobacco. "Hurtful articles of consumption!" he continued, "What do you mean? Why, I have not treated myself to a luxury this fall, yet it is very difficult for me to raise money to pay my taxes, and my wife is wearing her summer bonnet and needs a sealskin sacque which I promised her and cannot spare the money to buy. I tell you, R——, that the business men of the country are very 'hard up' this fall; many of them are unable to meet their paper, even though they practice the most rigid economy in their expenses."

"Friend W," I replied, "the chief of the Bureau of Statistics reports that last year the people of this country paid $596,000,000 for alcoholic drink; that 317,495,601 gallons of fermented liquors were consumed by them in that time—a little over seven gallons for every man, woman and child in the United States. The number of gallons of distilled spirits consumed during that year was 50,704,189, which, allowing for the amount exported and used in the arts, would leave over a gallon per head for the people. They may be suffering for bread but not from thirst. Mr. Graham, a prominent statistician of New York, reports that there are now 10,075 'rum shops' in that city, one for every 125 inhabitants; one for every 25 families—while there are only 1,100 bakers, 2,000 butchers, 4,000 grocers, or 7,326 food shops. That is, there are 2,749 more 'rum shops' than food shops. Besides, my friend," I continued, to my uneasy auditor, "the same year taxes were paid on 1,905,063,743 cigars and 165,189,584 cheroots, besides a large sum on unworked tobacco. Now, five bushels of grain are consumed in every 15 gallons of alcoholic liquor manufactured, and in the distillation of 50,704,189 gallons of this needless and even hurtful article enough bread-stuff is consumed to feed all the poor in the country who are unable to earn their bread. The last census showed that the number of paupers ——"

"Stop! stop, R——. I have not time to hear any more of your infernal statistics," impatiently remarked my friend, as he

turned hastily away. "For Lord's sake, don't repeat them to my wife should you see her, for I can't spare the money for a bonnet just now. I might have known better than to stop to talk to a 'temperance crank' in the street when I am in a hurry. Bye! bye!! I'll see you later, and I hope it will be a good deal *later.*"

My old friend disappeared around the corner of the next street, while a faint odor of *hops, calculus indicus, nux vomica,* and Connecticut tobacco trailed behind him as the tail of the last comet was seen in the sky for some time after its head had disappeared below the verge of the horizon.

The next Sabbath my wife and daughter-in-law went to church. On their return and while at dinner, the latter remarked: "Mother, did you notice what a beautiful sealskin sacque, and what a lovely fall bonnet Mrs. W—— wore to church to-day?" "Yes," replied mother, with arithmetical precision. "That sacque must have cost $300, and the bonnet $40, at least; but they were beautiful and almost made me violate the tenth commandment."

When I heard this estimate from so reliable and experienced a source I smiled sardonically as I thought of my friend's dislike of statistics, and his deploring the condition of the suffering poor. After dinner I threw myself on a lounge to enjoy my usual Sunday afternoon siesta. I slept and dreamed. My slumbering fancies took such fantastic shapes that compared with them the visions inspired by *hasheesh* are commonplace and prosy.

I thought I attended a "Vanity Fair," held in the "World's Pavilion," for the benefit of the poor. How the poor were to be benefited thereby my vagrant conceptions did not inform me. It was night, and the great pavilion was brilliantly illuminated by the glowing ends of 1,905,063,743 cigars, and 165,189,584 cheroots, whose burning leaves perfumed the air with their peculiar fragrance. The floor, of vast extent, was thronged with merry dancers, in whose forms and costumes my dreaming senses could see no incongruity. In one part of the pavilion 317,495,601 kegs of beer and ale at 75 cents per gallon were having a quadrille with an equal number of "seal sacques" at $300 apiece, while 100,000,000 of gilt-labelled wine bottles at $46 per

dozen were chassezing in a cotilion with 10,000,000 fall bonnets at $40 "*per capita.*" On a stage or platform in the center of the pavilion was an orchestra composed of a number of score of performers. They seemed to be four-penny loaves of bread clad in rags, and of a social position much below the dancers, for whose amusement they labored for a few cents per hour, while their leader, who called off the figures, appeared to be a ten-cent soup-bone, like those *occasionally* seen in the homes of the poor and unfortunate. Through the arches of the outer wall of the pavilion I could get a glimpse of the outside world. Through the wreaths and clouds of smoke from the burning lights of the festive hall I saw millions of hovels of the starving poor; and as cloud after cloud passed along, shifted by the breeze, I could catch a momentary glance of large stone walls with windows barred with iron; while anon there would appear a stately building, crowned with the statue of a female form with bandaged eyes, and holding in her outstretched hand a pair of scales, while she leaned upon a naked sword; and then, again, before my dreaming eyes there would appear, like the shifting scenes of a panorama, long rows of houses dedicated to the worship of Bacchus and Gambrinus; then churches consecrated to the homage of Him who taught us to pray, "Lead us not into temptation," and within whose richly decorated walls the dancers on the floor were wont to worship God according to the dictates of their consciences. (?) Then would appear large frames of timber painted black on which were supported scaffolds and festoons of ropes that swung like pendulums in the moving air. Driven in the ground at intervals were posts hung with fetters and scourges; and these last were labelled: "obey the law or suffer its penalties." And while I looked,

"The mirth and fun grew fast and furious."

The outside world caught the contagious merriment in the pavilion, and prisons, churches, beer-saloons, rum-shops, court-houses, the hovels of the poor, gallows, whipping-posts and halls of legislation, danced together in maniacal glee. And ever and anon from out the murky clouds that enveloped the pavilion would come, clear and distinct, the shouts of bacchanalian rev

els, and the cries of murder mingled with blasphemous oaths so foul and horrible,

"That they made the cheeks of darkness pale."

Gleaming through the lurid light, over the arches of the pavilion, hung banners black as the wings of death, inscribed with mottoes intended to encourage and license the hideous revels around me. One particularly attracted my attention, because with gilded letters it uttered a falsehood as wicked as ever fell from the lips of sin. It read:

"The total abstinence system is contrary to revealed religion and harmful to the interests of our country. It causes the growth of drunkenness in our land and a demoralization among religious communities.

"TREMONT TEMPLE.

January 10, 1881."

On the other of the dark banners I saw another motto whose falsehood was so glaring that even the reverend lips that uttered it could not sanctify it. It read:

"In light wines and beers we have alcohol best adapted to building up the tissues and supplying the warmth and vital force necessary to the bodily functions. "TREMONT TEMPLE.

"January 10, 1881."

As the dancers in their drunken evolutions passed beneath the folds of these dark banners with their poison inscriptions, ever and anon they would point to them in self-justification, and throughout the limits and boundaries of the "world's pavilion," sin and debauchery quoted them approvingly over the wine-cup and beer-mug. But from behind the bars of the prisons, and from the scaffolds, I saw manacled hands of men and women raised in frenzy as they cursed the banners and their mottoes, and denounced their teachings as the cause of their ruin.

"Then the voice of my dreaming ear melted away."

But ere my vision had entirely fled, I saw a light illuminating the eastern sky; before it the clouds and darkness fled like the hosts of a defeated army; before it the fantastic imagery of

my dream vanished like the mist of the morning, and where the pavilion stood I saw the glorious arch of the bow of God's promise spanning a nation of sober, happy and industrious people I awoke! It was all a dream.

"But dreams full oft are found of real events
The forms and shadows."

CHAPTER XXV.

A LEGAL OPINION.

"What says my counsel, learned in the law?"
—*Pope.*

"Let us consider the reason of the case.
For nothing is law that is not reason."
—*Sir John Powell—Coggs vs. Bernard.*

T———, June 10, 1883.

Hon. A. B. R.:

DEAR SIR:—I have just received my license which I enclose to you for your opinion thereon. I am anxious to obey the law and to keep all its commands; at the same time I have paid my money for this license and wish to enjoy *all* the privileges it gives me. I do not fully understand all its injunctions, and desire you to write me an opinion which I will pay you for when I see you. Tell me all I *can* do under the protection of my license and what I *must not do*. Please write fully and explicitly so that I may make no mistake.

Respectfully yours,

SAM'L M———.

A few weeks ago I received the above letter from an old friend and client who resided in a little village a few miles from our city, and who had taken out a license to keep a hotel within its quiet and law-abiding precincts. "The traveling public" who were to be accommodated thereby were few, but there was likely to be a large "local trade" at my friend's "place of business," and desiring to avoid all violations of the law, he wrote me for instructions, enclosing his license, which read as follows, to-wit:

Commonwealth of Pennsylvania



COUNTY OF CRAWFORD, SS:

AT A COURT OF GENERAL QUARTER SESSIONS OF THE PEACE,

SEAL.

Holden at Meadville, in and for the County of Crawford, on the Fourteenth day of May, A. D. one thousand eight hundred and eighty-two, before the Judge of said Court, Samuel M.. in the County of Crawford and State of Pennsylvania,

IS HEREBY LICENSED

BY THE COURT AFORESAID

To keep a Hotel, including the sale of Spirituous, Brewed or Malt Liquors, in the House he now occupies, at No. 3, —— Street, Town of T——, and in no other for one year from this time, agreeably to the Acts of the General Assembly in such cases made and provided: **Provided** *he shall not, at any time during said term, suffer drunkenness, unlawful gaming, or any other disorders, but in all things observe and practice all laws of this Commonwealth to his said employment relating.*

In Testimony Whereof, *I have hereunto set my hand and affixed the Seal of the said Court, at Meadville, this 14th day of May, eighteen hundred and eighty-two.*

JAMES GRAHAM,

CLERK OF SESSIONS.

To this letter I answered as follows:

DEAR SIR:—You are the owner of a great and peculiar franchise; one that is granted by a Christian commonwealth only to a favored few, and it is proper that you ascertain the extent of your rights under your license, that you may enjoy the full benefit thereof, and at the same time that you may not violate the law which has been so kind to you. The fact that your license has been granted clearly shows that the court was satisfied that you are a man of good moral character and temperate habits, and hereafter should your reputation ever be questioned, you can point with pride to the certificate hanging behind your bar as proof clear and conclusive, and thereby confound the doubter or infidel. When you have in this life filled the measure of your days and your usefulness, you can proudly leave that certificate as a legacy to your children. Long, long after you have passed away, and when harvest after harvest of the seed you have sown has been gathered from the fields of life's heritage, that certificate, or the record thereof in the archives of our courts, will remain, and to it your descendants may point with pride as evidence of the part their ancestor took in forming the character and contributing to the happiness of his fellowmen. Neither jeweled diadem nor hereditary crown could be more conclusive. There on your certificate is a gilt impression of the county seal and the "coat of arms" of the commonwealth, inscribed with the motto: "*Virtue, Liberty, Independence*," and in the name of these great powers, and emblematic of the spirit of your motto, you were invested with a franchise in the exercise of which you moulded and formed the destinies of many of your fellowmen. Your descendants may well be proud of your memory, and the memorial you have left them.

You ask me what are your rights and powers under your license. Oh, my dear sir! Feeble pen of mine will fail to definitely define the one, or accurately describe the other; but I will endeavor so to answer your question that you may not be led astray in the performance of those duties which every man of "good moral character" owes to the society in which he lives, and the Christian enlightenment of the age.

After you have paid the price of your license—which our law generously fixes at $50—you may then proceed to decorate your "bar-room" in the most attractive and alluring style calculated to catch the eye and please the fancy of those who pass your door. Beautiful pictures of the female form, draped as was Egypt's dark-eyed queen when, unrolled from her silken web, she stood before Cæsar and conquered him, may glow from gilded frame and fresco in your "place of business." You may fill the shelves of your bar with sparkling crystal and glittering goblets within whose depths all the spirits of evil may sleep unseen and unsuspected. Amber-hued wines from the orchards of New Jersey, and ruby-colored cordials lately from the compounder's laboratory, may sparkle in the glare of "midnight noonday" and suggest no thought of suicide or murder. Luxurious chairs and cushioned divans may court the wearied forms of the "traveling public." Marble-top tables covered with the illustrated literature of the day may throng the sides of your room; beautiful carpets may cover your floor; music may enchant the ears of your customers, and red-lipped sirens from the courts of Bacchus and Gambrinus may attend upon those you allure into your "hall of enchantment" and by their wiles banish from the memory of youth the recollections of a mother's purity and prayers. All this you may do in preparing your "place of business" for your licensed vocation. But here let me warn you that while the law permits you to entice your customers with attractive amusements, and with great freedom to exercise your taste in fitting up your "place of business" for the benefit of your traffic, yet you must not allow gambling within your precincts, or permit persons to play any game of chance or skill even for "the drinks." You will observe that our law wisely endeavors to prevent men from squandering their money on the turn of a card or a dice, and only permits it on the inversion of a bottle or a beer-mug. Our laws will not permit the laboring-man, whose family may be suffering at home for food and fire, to squander his earnings on a game of chance, but he may spend all his money at your bar if he does not season his drinks with the immorality of gambling. You will at once see the propriety of this when you remember that it is the more

of the people that our laws guard most carefully, and not their stomachs or health. The law will not, therefore, scrutinize very closely the quality of the liquor you sell, but only requires you to guard well the *moral* influences you throw around your customers; therefore, gambling is prohibited by the severest penalties. The law does not fear the effect of the "Crosbyan beer-mug" and wine-cup on the people so much as it does the influence of the cards and dice-box. This may seem strange and inconsistent to you; but remember, my dear friend, that "the law is the consummation of human wisdom" and the very sublimation of justice and statesmanship.

Having completed your "sample-room" and filled your cellar with liquors of the latest improved compounds—with wines of the most recent exportation from the cider mills of New Jersey, prepared by the best French chemists; having stowed your vaults with the nectar of hops, coculus indicus, cassia wood, nux vomica, and the malt of the golden corn; having employed your musicians and sirens; you may throw open your doors to the public with the assurance of a man who owns a "certified character" and a license. Soon the public will throng your portals, and you ask me to be specific in my instructions as to whom you have a right to sell. I answer, to every one *except minors and persons of known intemperate habits.* You will observe that it is the youths and drunkards over whom the law extends the ægis of its protection—the raw material and the manufactured product that are protected by its moral tariff. Between the two points—the innocence of youth and the ruin of confirmed drunkenness—you may operate at will; but take heed that you do not overstep the boundaries. Until the youth is twenty-one years of age you must not place the cup to his lip. Up to that time a loving mother, a kind father and an affectionate sister may exercise their influence without hindrance from you; but "watch and wait;" your time will come. The morning of the anniversary of his twenty-first birthday he is yours, soul and body, if you can only entice him to your "place of business" with music, the smiles of sirens and the circean cup. Then there is no power on earth can rob you of your victim. You hold as a franchise, sanctified by the

broad seal of the commonwealth, the right to ruin him, and no earthly power can stay your hand until your work is done; for it is only when his ruin is complete, when he has become a *known* and confirmed drunkard, that you must stop and let him stagger on his road to a drunkard's grave alone and unassisted. But long ere that time he will have squandered all his property, and will no longer be of any profit to you, and you then need not care that a legal restriction prevents your completing the work you commenced and prosecuted so well. What need you care for a father's anguish, a mother's woe, or a sister's sorrow? You are licensed, and have done nothing but what the law permits and an enlightened government sanctions. You paid into the treasury of a Christian State the price of your franchise, and surely you have a right to use what you purchased in a way contemplated and permitted by your license. Remember, you may lay your hand affectionately upon the shoulder of young manhood and urge him to drink, but you must not touch with your licensed finger the tottering form of the drunkard. "Thus saith the law" that has been so kind to you; and while you enjoy the glorious privileges it confers upon you, you must obey its mandates. "Fret not thy soul" with thoughts of future responsibility in that world you know nothing about, "*for sufficient unto the day is the evil thereof.*"

As the Indian warrior, when he dies, is buried in his war paint, and has laid upon his breast the scalps of those he has slain, together with the blood-stained implements of warfare, so, when you die, let your license be placed in your coffin, and when you appear before the court of God's justice, there to confront the victims of your legal traffic, it seems logical to conclude that a license granted by a Christian court, in a Christian land, in accordance with laws enacted by a Christian legislature and approved by a Christian people, could be pleaded successfully in defence of any accusation made against you. But I am wandering from the province of an attorney of the courts of earth, and on this point must refer you to the ministry and your own conscience.

But you ask me one question very difficult to answer. You wish to know what is meant by the injunction in your license—

"that you shall not at any time suffer drunkenness or disorder in your licensed house." I can well see the trouble that this clause may cause you; and that your clear and comprehensive mind sees the difficulty. For instance: A man to whom you have a right to sell comes to your bar and calls for a drink. You set the bottle and a glass on the counter before him. Custom will not permit you to measure the degree of his thirst or determine the amount of liquor it will take to assuage it. The customer takes a drink, of the proportions of which he alone is the judge. In a short time he becomes drunken and disorderly. What are you to do? The law permitted the cause but prohibits the effects. Now, here is a dilemma that it seems as if the embodiment of wisdom could not prevent by legal enactment. You had a right to sell, he had a right to drink; he became drunk and disorderly. The law cannot control the effects of its legalized beverage. You must not permit drunkenness and disorder; you dare not turn the customer into the street in the darkness and storm of a winter night, for he might perish with the cold. It is not safe to take him home to his wife and children, for in his drunken frenzy he might murder them. What are you to do? My friend, I do not know. It is more a question of fact than of law. The commands of the law are plain and easily understood. The consequences of the act of selling are equally obvious. But how you can avoid the rock of Scylla on the one side and escape the whirlpool of Charybdis on the other, is beyond my comprehension. Yet, you may be encouraged by the fact that the public will submit to more outrages and violations of the law from those that hold your franchise, than from any other guild whose members are not men of certified good moral character and temperate habits. The law is like an indulgent parent. It will overlook acts of disobedience from a favorite petted child that would not be tolerated in a prodigal son.

Your *rights* under the license law are so well defined by the Rev. William Fawcett, in a recent sermon delivered in the moral city of Chicago, that I quote it as a proper exposition of those rights:

"When the law gave you its license it said to you, take thou

authority to open a hotel in the house described in your petition. Thou shalt be permitted to sell whiskey, beer and wine; to make as beautiful, attractive and tempting thy place of business as money will permit. Thou canst have gilded halls, the music, the dance, the chorus of beauty and the electric light. I give thee authority to tempt any man or woman into thy place of business who is over twenty-one years of age, and to sell them rum. Take thou authority to change the hearts of men, that those who are naturally kind of heart may become savage as beasts of prey. Take thou authority to manufacture thieves, robbers and highwaymen. Take thou authority to send men to their homes drunk, where they will whip their wives, starve their children, destroy their property, and murder their best friends. Take thou authority to make desolate the most beautiful homes, to crush the hopes of love, and to tear and stain the mantle of purity. Take thou authority to break the hearts of mothers, and fathers, and children. Take thou authority to breed poverty, wretchedness, misery and woe. Take thou authority to plant crime, spread crime and nothing but crime, and that continually. Take thou authority to fill poor-houses, asylums and prisons. Take thou authority to destroy the influence of the Gospel of Christ among the children of men, and to ruin souls. Take thou authority to stake out thy way through the world with all crimes and wickedness. All this authority I give thee for $50.00; and if through the year, any man, or any home, or any society shall presume to question your herein specified rights, show them this license."

In the above quoted extract, the reverend gentleman spoke like one learned in the law, for you have indeed all the rights he enumerates, and all for $50.00 paid into the public treasury. Your profits will be immense, and your industry abundantly rewarded.

My legal opinion is ended; but in conclusion let me suggest to you a matter of policy. As you may wish to preserve your good character for future use in obtaining other licenses, you had better join a church, or at least have your wife do so. You can well afford to pay liberally to support the ministry. The profits of your bar for a few weeks will undoubtedly be more

than the average yearly salary of ministers; and besides, as it is the business of these reverend gentlemen to convert sinners, to take the drunkards from the filth of inebriety and to convert them into good, sober, industrious Christian men; and as your business will give them so much of the raw material to operate upon, and they will have to labor so hard to work up the material you will furnish them, it is but right that you should pay more than the ordinary church member. Your sense of justice will see the propriety of this suggestion and your generosity will doubtless prompt you to be liberal. Remember the observation of the pious Peter that "*charity shall cover the multitude of sins.*" In the great future we all will need this covering. The eye of the Creator sees not with man's limited vision, and the time may come when we all shall need the mantle of charity to conceal our frailties from the gaze of Omnipotence.

My esteemed friend, I fear my legal opinion may not be what you desire, or even what it should be, therefore will make no charge for it.

Respectfully yours,

A. B. RICHMOND.

POSTSCRIPT.

"A blessing on the printer's art!
Books are the Mentors of the heart."
—*Mrs. Hale.*

"Books cannot always please, however good."
—*George Crabbe.*

ARGUMENTUM AD HOMINEM vs. ARGUMENTUM BACULINUM.

"And so, ———, you have written another Temperance Book, have you?" sneeringly remarked a man of good moral character to me the other day, as we met in the street. "Well," he continued, "What good will it do? You cannot prevent the sale of liquor by prohibitory laws. There are too many men of wealth and political influence engaged in the business who will fight to the last before they will give up their rights. If you attempt to abolish the sale of liquor in the country by law it will cause a war equal to that of the rebellion. What business is it of yours what your neighbor drinks? You need not drink if you don't wish to, and it won't hurt any one who lets it alone. If others drink it, it's their own lookout; and if any one drinks too much it's their fault, and it don't injure any one else. A man has a right to drink what he pleases, and it is no business of yours, any more than it is what he eats or what clothes he wears."

The good man's face glowed with beer and indignation as he uttered this condensed bill of human rights in my ear, and I have no doubt he believed what he asserted; and though he uttered a falsehood, yet he thought it was undeniable truth. The learned Apostle Paul, in his Epistle to the Thessalonians, speaks of a class who "*by strong delusion should be made to believe a lie that they all might be damned;*" but I do not assert that my friend of "temperate habits and good moral character" belonged to the class so affectionately referred to in the letter of

the Apostle to the Church of Thessalonia. But he certainly labored under a great delusion if he believed what he so positively asserted, and actually thought that the passage and enforcement of a prohibitory law would deluge the country in the blood of fratricidal war. Men do not die in this Christian land *for* beer and whiskey, but because these delectable beverages exist as a licensed necessity. Beer and whiskey do not enter into our "bill of rights" so much as they do into our bills of indictments and bills of mortality. They did not inspire our declaration of independence nor assist in the war of the revolution.

The inimitable Bob Burdette, in *The Burlington Hawkeye*, says: "Men have fought, bled and died, but not for beer. Arnold Winkelried did not throw himself upon the Austrian spears because he was ordered to close his saloon at nine o'clock. William Tell did not hide the arrow under his coat to kill the tyrant because the edict had gone forth that the free-born Switzer could not drink a keg of beer every Sunday. Kosciusko fell, not across a whiskey barrel. Warren did not die that beer might flow as the brooks ripple and murmur seven days in a week. Tea—mild, harmless, effeminate, much-sneered-at temperance beverage that it is—is a grander figure and fills a brighter, more glorious page in the history of the noble struggle for human liberty than beer. Men liked it, but they fought rather than take it. The fights around a barrel of whiskey do not pass into history; they pass into the police court records. Even the battle of Brandywine was not fought that whiskey might be free. No clause in the declaration of independence declares that a Sunday concert garden with five brass horns and sixty-eight kegs of beer is the inalienable right of a free people and the corner-stone of all good government. The battles of this world have been fought for grander things than free whiskey. The heroes who usually fall in the struggle for the supremacy of rum are generally shot in the neck, and their martyrdom is generally clouded by the phantoms of the jim-jams. There will be no temperance war. Whiskey makes men fight, it is true, but they usually fight each other. And if they don't, the chances are in favor of the sober people. It is a poor temperance man who can't get away with his drunken neighbor, if he can get him drunk enough."

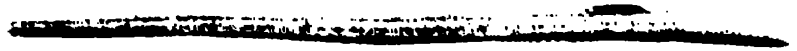
"Liquor won't hurt you if you let it alone," the good man had remarked, as if he was uttering an indisputable axiom. Yet it does hurt millions who "let it alone;" who hate it utterly and never set foot in a saloon. It hurts thousands of poor women who suffer the terrible fate of being the wives of drunkards, and the mothers of their children. What means yonder assembly of men convoked by the law, who are listening to the story of some deed of crime, as it is related by the witness who saw it perpetrated? It means that in the fury of drunken madness a husband has murdered his wife, or a drunken father has killed his child, and a jury are investigating the crime. Yet mother and child "let it alone." The tenement houses in the rum-polluted districts of our large cities are filled with women and children who are suffering from cold and hunger because of the influence of liquor, and yet they "let it alone." Our brothels and resorts of infamy are filled with painted inmates who were driven there as a place of refuge from the horrors of a drunkard's home. Yet they "let it alone" until the demon rum came to their once happy fireside and brought ruin to the husband and father and shame to his wife and daughters. In the prison is a dissipated and criminal son; and weeping over him a heart-broken mother who "let it alone," yet who could not protect her child from the influence of the licensed rum-shops of the highways and byways of business life. Yonder gray-haired father, who now walks the streets with his head bowed in grief too deep for human utterance, ashamed to look his fellows in the face because his honored name has been stained with the crime of a drunken son, "letitalone," and he tried to teach his wrecked and ruined boy to shun the evil of the licensed cup, and would have succeeded but that the law sold to its emissaries the right to destroy him. Yonder institution, erected at public expense, is filled with the poor little homeless children of drunken parents who have been picked up from the filthy streets and purlieus of vice and clothed and fed by the hand of charity; yet they "let it alone," and will continue to do so if they are not tempted to drink by the owners of a criminal franchise, as they become men. Yonder hospital is filled with suffering victims who have inherited disease from a parent's poisoned body. yet they "let it alone." Their crippled limbs and

plague-spotted forms are not because of their own wrong-doing, but a drunken father has left them a drunkard's legacy of disease and pain. Over 60,000 drunkards die annually and leave 200,000 children who "let it alone," and yet who suffer poverty, disease and shame, because "what a father eats shall set the children's teeth on edge," and the effects of a father's sins are transmitted through a diseased organism to his children for many generations. The tax-payers of the country who "let it alone" themselves must, by their labor, pay for the support of the paupers made by rum, and bear the expenses of the courts convened to punish criminals begotten by law. All over the Christian world the greatest number who suffer from the curse of strong drink are those who "let it alone," yet who must pay the penalty of the sins of others; while the only benefit derived from its use is the price paid into the public treasury for the licenses granted to a few men to promote the ruin of many. And even this price is far exceeded by the amount expended by the government in punishing the criminals it makes and feeding the poor and destitute it creates.

My self-allotted task is ended. I have finished this little volume and dedicate it to the public. I do not claim for it the merit of deep logic or profound erudition, but submit it to the reader as a collection of facts and conclusions, the result of a long and weary practice at the bar: an experience that has impressed upon my mind the evils of the traffic in liquor and the laws that license its use among the people as a beverage. I know that it has its friends and advocates even among the great and good in our land, and that in its favor

> "E'en ministers, they hae been kenn'd
> In holy rapture,
> A rousing whid at times to vend
> And nail't wi' Scripture."

Yet from the stand-point of my experience I have seen naught in the traffic or use that is not productive of evil. IT IS THE FOE OF CHRISTIANITY, THE GREAT CAUSE OF POVERTY AND PAUPERISM, THE PROMOTER OF DISEASE AND CRIME, AND SHOULD BE PROHIBITED BY LAW, AND THE LAW ENFORCED BY THE SEVEREST PENALTIES.



NOW IN PRESS FOR THE SECOND EDITION,

THE GREAT TEMPERANCE NOVEL,

"A HAWK IN AN EAGLE'S NEST,"

BY HON. A. B. RICHMOND.

UNIVERSAL COMMENDATIONS OF THE PRESS.

No author has succeeded better than Mr. Richmond with a "Hawk in an Eagle's Nest."—*Democratic Messenger*. (Pa.)

The book is certainly one of great interest and value.—*Detroit Lever*. (Mich.)

It is certainly the greatest work of the day.—*Prohibition Banner*.—(Pa)

It is a book of thrilling interest. Every man and woman should read it.—*Royal Templar*. (N. Y.)

A well written and highly interesting tale.—*Cleveland Leader*. (O.)

The book is strong, interesting and fascinating.—*American Reformer*. (N. Y.)

When once we enter the portals of the book, we are led on with unflagging interest to the end.—*Meadville Republican*. (Pa.)

Everybody should read it.—*Venango Citizen*.. (Pa.)

Never for an instant, and from the first page to the last, does the interest flag. It is, in fact, a book for everybody.—*Youngstown News*. (O.)

AGENTS WANTED.

APPLY FOR TERRITORY AND TERMS TO

MEADVILLE PUBLISHING HOUSE

MEADVILLE, PA.

HEADQUARTERS, RICHMOND BLOCK.









THE BORROWER WILL BE CHARGED AN OVERDUE FEE IF THIS BOOK IS NOT RETURNED TO THE LIBRARY ON OR BEFORE THE LAST DATE STAMPED BELOW. NON-RECEIPT OF OVERDUE NOTICES DOES NOT EXEMPT THE BORROWER FROM OVERDUE FEES.

CANCELLED

AUG 0 1 1990